"My World is Dark"

State Violence and Pellet-firing Shotgun Victims from the 2016 Uprising in Kashmir

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"I came out of home and was standing at the gate of my house. The STF and the CRPF men were vandalizing the property. They came nearer to our house, barged into it, and started beating everyone. I ran inside and a STF man pinned me to the ground with the stock of his Rifle. And then aimed the pellet shotgun, which was in his other hand, at me. I tried to run but an array of pellets hit me all over my face. I cried and wailed in pain.

I struggled to see anything and blood splashed all over my face. At that moment, I covered my face with my hands and I was battling my way either out of the courtyard or to go inside the house. I fell to the ground."

— Testimony from a pellet gun victim, age 17 years; left eye permanently damaged and right eye partially blinded

Summary

On August 5th, 2019, the Indian government imposed a communications blockade in Kashmir, following the revocation of Articles 370 and 35 of the Indian Constitution, thereby ending the region's limited and de jure autonomy. As the lockdown reaches the 71st day, its disastrous consequences for the civilian population are becoming clearer, especially in the Kashmir valley. The blocking of internet connections results in severe disruption of all civilian infrastructure, halting medical, emergency, and banking services and preventing business activity.

As this report shows, this is not the first time that such severe restrictions have been placed upon the population of Kashmir. Curfews, shutdowns, blockades, mass arrests and firing on civilians have been a routine part of Indian state strategies of control. The use of ostensibly non-lethal pellet firing guns by forces in Kashmir is a relatively new and devastating strategy.

Since 2010, Indian military and paramilitary forces have used pellet guns on peaceful protestors as well as bystanders and even people inside their homes. The pellet guns fire cartridges containing 450-600 lead pellets with sharp edges. When fired, the cartridges burst, spraying pellets indiscriminately. These supposedly "non-lethal" weapons have left hundreds of people maimed and blinded. Pellet gun injuries have also proved fatal in many cases.

This report records testimonies from 23 victims of pellet gun injuries. These show how their injuries have completely transformed the victims' lives and destroyed their futures, rendering people unemployed and impoverished, in a helpless state.

Researchers from the Association of Parents of Disappeared Persons (APDP), a human rights organization based in Srinagar, Kashmir, have collected nearly 300 testimonies of pellet gun victims. This is only a fraction of the total number of victims. When placed within the context of stepped-up state repression following popular protests in 2016, they portray a state of total war against a civilian population.

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Introduction: "The world's first mass blinding"[1]

The Kashmir dispute is one of the longest-running struggles for the right to self-determination in South Asia. The territory of the former state of Jammu and Kashmir is claimed by both India and Pakistan. The disputed territory consists of five distinct regions having different religions, ethnicity and culture. However, the focus of the dispute and this report is the Vale of Kashmir popularly known as Kashmir Valley or Kashmir (Indian-controlled Kashmir) because of the gross human rights violations committed by Indian forces for decades. The well documented human rights violations in Kashmir include extrajudicial killings, torture, rapes, enforced disappearances, arbitrary and long term detentions without trial, etc. This report focuses on a recent tool of repression introduced by the state of India to oppress the masses which is pellet blinding. The focus is on 2016 when the large scale use of pellet shotguns and intentional blinding and injury of civilians came into the limelight. There has been no let up in this form of state violence since then.

In 2016, Indian state violence in Kashmir took a heavy toll. Over 80 civilians were killed by Indian forces and more than 15,000 persons were injured. Among the injuries, 4,500 were due to pellet-firing shotguns. More than 352 civilians were partially or completely blinded by pellet-firing shotguns.[2] The figures for pellet-injured victims continue to be revised upwards as many do not report their injuries.

The catalyst for the popular uprising was the killing of Burhan Wani, a young Kashmiri militant, on July 8, 2016, by Indian forces. Massive protests by unarmed demonstrators were met with state repression and violence. Besides the deaths and injuries caused by firing by Indian troops, the government imposed several weeks of complete curfew in parts of Kashmir.

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[1] https://www.theguardian.com/world/2016/nov/08/india-crackdown-in-kashmir-is-this-worlds-first-mass-blinding

[2] http://jkccs.net/wp-content/uploads/2018/03/2016-Human-Rights-Review-JKCCS.pdf

There were at least 51 days of continuous curfew, and people were unable to commute, to leave their homes, and to continue with their daily routine in this period.[3] A group of civil society activists – which included 170 people and 13 organisations – signed a statement demanding an end to the curfew.[4] The statement said, "We have watched in horror and shock the repetitive cycle of state aggression leading to violence, deteriorating state of civil liberties, violation of fundamental rights and ever escalating loss of human life and dignity in Kashmir."

Curfew was maintained for 51 days across the Valley, and even longer in some areas like Pulwama. The restrictions on freedom of movement and assembly prevented people from going to work, kept children away from school, and had a devastating impact on the economy. Protests took place almost daily despite the prohibitory orders and Indian forces responded by firing tear gas, pellet guns and live ammunition. The CRPF, an Indian paramilitary force, admitted to firing over 1.2 million pellets in just the first 32 days of the protests in 2016.[5] A single pellet gun can hold up to four 32g *Astrum* cartridges in its magazine and one loaded in its chamber. Each cartridge contains 450 to 600 round, or the more intrusive sharp-edged or irregular-shaped lead pellets, which can cause serious injuries.[6] These supposedly "non-lethal" weapons left hundreds of people maimed, injured and blinded. Pellet gun injuries also proved fatal in many cases.

The BBC reported that according to Mohammad Ashraf Wani, head of the Pellet Victims Welfare Trust (an informal group of pellet victims): "The State Human Rights Commission has registered 3,800 cases of pellet injuries and blinding since 2016." However, Wani said, there were "hundreds who, because of the fear of [security] forces, don't register themselves at all. "

[3] http://www.bbc.co.uk/news/world-asia-india-37211760
[4] http://www.thehindu.com/news/national/other-states/Civil-society-demands-end-to-curfew-in-Kashmir/article16086826.ece
[5] https://www.nytimes.com/2016/08/29/world/asia/pellet-guns-used-in-kashmir-protests-cause-dead-eyes-epidemic.html?_r=0
[6] Please see Appendix for more details on pellet guns.

Amnesty International profiled 88 victims of pellet injuries between 2016 – 2017.[7]

These new and deadly weapons drew widespread condemnation from human rights advocates who called for them to be banned. The Office of the United Nations High Commissioner for Human Rights' 2018 report on Kashmir stated that the pellet-firing shotguns used in Jammu and Kashmir were one of the "most dangerous weapons used against protesters during the unrest in 2016 . . . a 12 gauge pump-action gun that fires metal pellets."[8] The report included a recommendation to the Indian government to ""immediately order the end of the use of pellet-firing shotguns in Jammu and Kashmir for the purpose of crowd control".

However, Indian forces have continued using pellet guns to the present day. The recent case of a 19-month old toddler Heeba Jan injured by pellets in November 2018 demonstrates the continuing use of pellet guns in Kashmir.[9]

This report by the Association of Parents of Disappeared Persons, Kashmir, focuses on in-depth testimonies and narratives of 23 pellet-firing shotgun victims injured during the 2016 uprising in order to contribute to in-depth documentation regarding the longer-term and ongoing consequences of pellet-victim injuries. The report has been researched and compiled by a team of office workers at the APDP between July 2016 and 2018. The testimonies listed in this report demonstrate the "physiological and psychological damage, the costs of treatment, consequent disability and loss of livelihoods pose a life-long economic and social burden on the survivors."[10] The purpose of these interviews and testimonies is to better illustrate the state's brutal response to the uprising and how it has disrupted and affected social, political, economic and psychological state of affairs of the people living in Kashmir.

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[7] https://amnesty.org.in/losing-sight-kashmir-impact-pellet-firing-shotguns/
[8]https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf
[9] https://www.bbc.co.uk/news/world-asia-india-46368231
[10]https://thewire.in/health/pellet-guns-kashmir-public-health

II

Association of Parents of Disappeared Persons (APDP): Human Rights Documentation and Advocacy

The Association of Parents of Disappeared Persons (APDP) was founded in 1994 by Paveena Ahangar with other family members of victims of enforced and involuntary disappearances in Kashmir. APDP seeks justice for the families and provides them with help to get their cases investigated, while actively campaigning for information on the whereabouts of missing family members. The organization estimates that 8,000 -10,000 men have gone missing since 1990 and states that only a small percentage of the disappearances have been investigated. The APDP-members come together on the 10th of each month to hold public protests in Srinagar, to commemorate the disappearances of their loved ones and to seek answers from the realms of power. APDP provides medical, educational, social, psychological and legal support and advice to the victim families and they gather documentation on the disappearances. The organization represents approximately 1000 families of victims of human rights abuses. APDP is an independent organization and has no political affiliation or political position.

In 2007, APDP began documenting cases of disappearances and sharing them with the Working Group on Enforced and Involuntary Disappearances (WGEID) at the Office of the High Commissioner for Human Rights (OHCHR) at the United Nations. Parveena Ahangar has travelled to Geneva to meet with the WGEID and other human rights special mandate holders at the OHCHR. APDP has received some support from the UN Torture Victims' Fund and has hosted the UN Special Rapporteurs on Extrajudicial Killings and on Human Rights Defenders when they visited Kashmir.

APDP's work has been recognized by several international human rights organizations which reflect upon the credibility and hard work done by the organization to create the awareness about the plight of the victims of enforced disappearances and their families. In 2011, founder and president Parveena Ahangar, was one of the six finalists for the Human Rights Defenders Award from Frontline in Dublin, Ireland. In 2017, she was one of

the two Kashmiri human rights defenders chosen by the Rafto Foundation in Norway to receive their human rights prize. In October 2019, she was named as one of the hundred most influential women in the world by the BBC.

APDP has become a site of refuge for human rights victims in Kashmir. Now, it has started documenting various kinds of abuses including torture, extrajudicial killings, rape, extrajudicial executions, arbitrary detentions, the arrest and detention of juveniles, ransacking and vandalization of property, and the blinding of non-violent protestors by the pellet guns used by Indian forces. It provides help and support to victims and their families and has become a rallying point for those seeking justice for human rights abuses.

APDP has been backed by the United Nations as a human rights organization. APDP has been engaged with the following activities as a human rights defender organization.

- It actively campaigns for an end to the practice and crime of involuntary and enforced disappearances in Kashmir at local, national and international platforms.
- It has been engaged in documenting enforced disappearances in Kashmir since 1989 and has collected information about at least one thousand such cases so far. In addition, APDP has documented are nearly 300 cases of injury or death caused by pellet guns, and nearly 300 cases of arbitrary detention. Among the latter, 50 concern the arrest and detention of juveniles.
- APDP provides basic financial support to families of the enforced disappeared, especially those who were left destitute when their primary breadwinners (often men) were enforced disappeared. This helps to pay school and medical fees for families unable to afford these.
- APDP provides medical support to the families of the enforced disappeared who cannot get such support by themselves. Especially, elderly parents who have been waiting for their loved ones for over two decades. APDP also helps out families in different types of emergency situations.
- APDP maintains regular contact with the families of the enforced disappeared through its main office in Srinagar and provides mental support and guidance.

- APDP provides free expert consultation to a variety of scholars, researchers, artists, journalists, writers, filmmakers, etc. who are interested in the topic of enforced disappearance in Kashmir to raise awareness about these serious violations of human rights.
- Under the leadership of our founder, Parveena Ahangar, APDP attends multiple international events at different conferences and institutions.
- APDP offers internships and volunteer work opportunities to those interested in helping the organization with administrative work and to spread awareness among people about the organization's work.

III Acknowledgments

This report from APDP has been a labour of love and solidarity. We see it as part and parcel of what various rights organisations from Kashmir have done. We would acknowledge the trust that the victims reposed in us in telling us their stories. The entire APDP family was involved in it. We are grateful to Vrinda Grover as well as Sanhita Ambasht for their legal advice. Dr Goldie Osuri from University of Warwick turned the first and raw draft into something that would be understandable to the wider world. Further work was done by Dr Shubh Mathur in adding contextual material so that the testimonies of pellet blinding victims can become seen as part and parcel of wider struggles for human rights in Kashmir. Professor Dibyesh Anand and PhD researchers Amina Mahmood Mir and Annapurna Menon of the Centre for the Study of Democracy, University of Westminster, did further editing on the report, while World Organization Against Torture OMCT (www.omct.org) provided support with the framing of this report.

As the APDP has learnt over the years, no effort is individual, it is collective. Through this report, we invite well-wishers in different parts of the world to approach us and other rights movements in Kashmir, be in solidarity, amplify our voices, and do what they can in our struggle for justice, equality, freedom and dignity.

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IV Background: Human Rights Abuses in the Kashmir conflict

Kashmir has been the most militarized zone in the world since 1947 in general and more specifically for the last three decades. With about 700,000 Indian military and paramilitary forces stationed here[11], the ratio of security personnel to civilians is about 1:7. The heavy military presence in Kashmir has directly impacted the life and liberty of the common people. Kashmiris have been governed by draconian Indian legislation awarding military and paramilitary forces arbitrary and excessive powers of preventive detention, arrest, search, seizure and power to shoot to kill on suspicion, use of lethal force, such as the Jammu and Kashmir Public Safety Act, Jammu and Kashmir Disturbed Areas Act, and the Armed Forces Special Powers Act (1990).

The presence of the armed forces and the special laws have spawned a culture of impunity. While human rights violations by Indian security forces have been rampant over the last two decades, there has been no accountability for the same. Despite investigations and judicial enquiries, no one has been punished for egregious crimes such as extra judicial executions, custodial torture, rape and enforced disappearances. Additionally, disappearances and extra-judicial killings are also attributed to armed counter-insurgency pro-India renegades ("ikhwanis"), primarily former militants who had either surrendered or have shifting loyalties. They are used by security forces in the region to intimidate civilians in various ways, particularly those attempting to access justice and realize their human rights.

Unofficial estimates put the number of disappeared persons between 1989 and 2006 at anywhere between 8000 to 10,000. A majority of those disappeared are young men, including minors. The disappeared include people of all ages, professions and backgrounds, many of whom have no connection with the armed opposition groups operating in Kashmir.

[11] OHCHR https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf&action=default&DefaultItemOpen=1

Although India signed the International Convention for Protection of All Persons from Enforced Disappearances in 2007, it has failed to ratify the Convention. Only a fraction of the cases of disappearances have been investigated. Even though the number of disappearances has reduced in the recent past, the struggle for justice in existing cases continues.

APDP continues to face major challenges in meeting its objectives due to acts of omission and commission by state agencies. These actions by state agencies constitute serious breaches of fundamental rights guaranteed under the Indian Constitution as well as rights recognized in the Declaration Rights of Human Rights Defenders. Further, it marks the Indian state's failure to create conditions to ensure the implementation of all human rights and freedoms.

Even though the pro-independence insurgency waned from 2003 onwards, there was no reduction in the military presence and in the continuing human rights abuses. Since 2008, popular protests against these abuses and severe political repression have been met with force, with Indian forces opening fire on unarmed protestors with tear gas and live ammunition.

The protests began in 2008 with massive demonstrations against an order issued by the state government which allotted forestland of about 40 hectares to the Amarnath Shrine Board with the purpose of making a permanent camp for seasonal Hindu pilgrims. The pilgrimage has been managed and hosted peacefully by Kashmiri Muslims for nearly two hundred years. However, the land transfer was in contravention of Kashmiri laws which prevented sale or transfer of land to outsiders. The protests were widespread, and took place in narrow and complex lanes while the main streets were taken over by the Indian armed forces. This made it very difficult for the state machinery to bring the situation under its control. Though the armed forces shot at various protesters and cracked down on a number of them, it failed to deter them from protesting. Rather, this exacerbated the conflict.

The state government, hence, was forced to revoke the land transfer order (partially) as one of the parties of the governing alliance threatened to

withdraw its support. The revocation of the order led to protests by Hindu nationalist groups in India, who took over and blockaded the national highway into Kashmir, stopping the flow of necessary supplies. This instigated a march by Kashmiris, of all ages, with increasing participation by the young. The demand was made to open the route connecting Srinagar to Muzaffarabad, across the Line of Control. The armed forces opened fire at the marchers, killing more than a dozen and injuring hundreds.

These protests against the Indian state led to the imposition of harsh curfews. Anyone spotted outside was picked up and beaten. Indian forces raided houses, destroyed property, troubled the people and harassed the women. However, no cases were filed and no deaths were investigated by the police. This was when the pellet guns were first used. In the face of international censure for the brutal suppression of the 2008 uprising, a seemingly more humane way of curbing political rights had been discovered.

The Lethality of a "Non-Lethal" Weapon: Controlling Crowds With Pellet-firing Guns

It has not been observed anywhere in the world that pellet guns or pellets made of metal and lead are used on civilian protesters. The use of pellet guns by Indian state agencies for 'crowd control' has irrevocably changed the lives of thousands of Kashmiris. The pellet guns or pellets made of metal and lead have been referred to as a ' non-lethal weapon of crowd control'. These 'non-lethal weapons' tend to be used as part of a law enforcement procedure in Kashmir. Law enforcement is carried out by several battalions of the Indian paramilitary units such as the CRPF, Rashtriya Rifles, Indo-Tibetan Border Force, Border Security Force, and heavily-militarised J&K state police.

The United States of America used chilli-based ammunition and wooden pellets only as of the resort, during unrest in Ferguson, causing minimal damage. Once, Pepper spray was used to control the crowd in Kansas during the presidential election campaign of Donald Trump. In 2014, rubber bullets were banned in Catalonia-Spain, when seven people lost their eyesight. An Egyptian lieutenant, Mohamed el-Shenawy was sentenced to a period of three years' imprisonment after he blinded civilians by firing pellets. However,

in India, prosecuting the culprits responsible for blindness seems like a very remote possibility, almost next to impossible[12].

The first use of pellet guns reported in the Indian press was on 14th August 2010. The narrative was created that the weapon has been introduced to defend a 22 Rashtriya Rifles camp in Seelo, Sopore in Baramulla district from a '3,000-strong mob' of Kashmiris[13]. In response to an RTI request, the District Hospital Baramulla revealed; the first pellet victim it had treated was Iqbal Rather Hamid, admitted with injuries in his back and chest on 31st July 2010, a fortnight before the first incident reported[14] in Indian media.

The first victim reported to have succumbed to pellet injuries is Mudasir Nazir Hajam, a 20-year old student in his final year of schooling residing in Arampora, Sopore. He was shot at, along with two other locals, from a CRPF bunker vehicle on his way back from the local mosque after offering evening prayers during *Ramadan*. Doctors in the Sher-e-Kashmir Institute of Medical Sciences (SKIMS)Srinagar, found gangrene in his small intestine and multiple damaged organs. He succumbed to his injuries on 20th August 2010[15].

The Jammu and Kashmir State Human Rights Commission, in its judgment in a separate violation committed by the CRPF on the same night (charged under Section 307 of the Ranbir Penal Code), referred to this incident as well. It stated that the CRPF had started firing pellets 'without any provocation' as per police investigations and failed to produce the nominal roll of the personnel deployed on the night of the incident when asked to. The Commission concluded ,

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[12] Guardian, 2016, 8th November, "India's crackdown in Kashmir: is this the world's first mass blinding?", https://www.theguardian.com/world/2016/nov/08/india-crackdown-in-kashmir-is-this-worlds-first-mass-blinding

[13] DNA, 2010, 14th August, "J&K: Police use non-lethal weapon for mob control for first time", http://www.dnaindia.com/india/report-jk-police-use-non-lethal-weapon-for-mob-control-for-first-time-1423393

[14] Bukhari, Mannan, 2015, "Kashmir - Scars of Pellet Gun: The Brutal Face of Suppression", Partridge India.

[15] https://www.greaterkashmir.com/news/more/news/lethal-use-of-non-lethal-weapons/

> … It is clear that the deceased and the injured were completely innocent civilians but for the misadventure and unbridled powers exercised by the CRPF personnel a precious life has been lost and [a] subject has sustained permanent disability.

It further noted:

> There is nothing on the record to show that the CRPF higher-ups have even ordered a court of inquiry against the erring personnel.

Ex-gratia relief of ₹75,000 was granted to a victim who had suffered 30% visual impairment the same night, along with monthly payments following the scheme 20 of the Social Welfare Department, Jammu and Kashmir.

Several human rights organizations have condemned of India's use of 'non-lethal weapons for crowd control' in one of the most militarized zones in the world in peace time. Amnesty International has requested the Government of India to stop using pellet guns considering the number of people blinded and the lives it claimed[16]. This issue has also been brought to the attention of the United Nations High Commissioner for Human Rights. The 2018 OHCHR Report on the Situation of Human Rights in Kashmir[17] included among its recommendations for the Government of India to "immediately order the end of the use of pellet-firing shotguns in Jammu and Kashmir for the purpose of crowd control". This was repeated in the follow-up OHCHR report on Kashmir in July 2019.[18]

The People's Union for Civil Liberties (PUCL), the oldest civil liberties organization in India, also insisted that the use of pellet guns on the protesters

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[16] Al Jazeera, 2016, 5th August, "Amnesty: Stop using pellet guns on Kashmiri protestors", http://www.aljazeera.com/news/2016/08/pellet-guns-kashmiri-protesters-160804132240440.html, as accessed on June 13, 2017

[17] https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf&action=default&DefaultItemOpen=1

[18] https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf

should be banned. Meenakshi Ganguly, South Asia director at Human Rights Watch, stated that rock-throwing does not give any authority the free pass to use force, and force should only be employed when the life is at a risk[19]. Professor Bhim Singh, Senior Executive Member of Supreme Court Bar Association of India, had sought the intervention of Pranab Mukherjee, the President of India, in reducing the usage of pellets as a method of crowd control and vowed to fight the same as long as he could.

The Jammu and Kashmir State Human Rights Commission (JKSHRC), a quasi-judicial body, has stated that 'the use of pellet guns by government forces was a serious threat to life' and a serious violation of human rights[20].The use of pellet guns for regular policing activity has been under criticism ever since their induction. All pleas from civil society in Kashmir and abroad have fallen on deaf ears in the Indian quarters.

The Victims

In the medical literature following the 2010 uprising, doctors have reported that that a majority of pellet injuries suffered were at the extremities, followed by the abdomen and chest[21]. This finding contradicts the Jammu and Kashmir police's stated standard operating procedure (SOP) of aiming for the lower body when resorting to firing 'non-lethal weapons' brought in force since 2011[22]. Victims of pellet injuries studied between June and September, 2010 tended to be young, between the ages of 16-25 (72.7%), and overwhelmingly male (96.97%)[23]. From JKCCS's initial investigation following the uprising of 2016, the design in deploying pellet guns seems to have remained unchanged.

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[19] HRW, 2016, 12th July, "India: Investigate Use of Lethal Force in Kashmir", https://www.hrw.org/news/2016/07/12/india-investigate-use-lethal-force-kashmir, as accessed on June 13, 2017

[20] Nair, Ravi, 2016, 21st July, "Pellet Guns in Kashmir: The Lethal Use of "Non-Lethal" Weapons", https://thewire.in/53038/kashmir-lethal-pellet-guna/

[21] Mushtaq, Majid, Mir, Mohammad F, Bhat, Muneer, Parray, Fazl Q, Khanday, Samina A, Dar, Rayees A, Malik, Ajaz A, 2012, "Pellet gunfire injuries among agitated mobs in Kashmir", Turkish Journal of Trauma & Emergency Surgery.

[22] The Wire, 2016a, 10th August, "RTI Revelation: Pellet Guns Not Standard Procedure For Crowd Control", https://thewire.in/58055/kashmir-pellet-guns-bprd/

[23]Mushtaq, Majid, Mir, Mohammad F, Bhat, Muneer, Parray, Fazl Q, Khanday, Samina A, Dar, Rayees A, Malik, Ajaz A, 2012, "Pellet gunfire injuries among agitated mobs in Kashmir", Turkish Journal of Trauma & Emergency Surgery

A team of doctors from SKIMS, Srinagar prepared a report on the types of wounds from pellets and other non-lethal firearms treated at the time. It distinguished between two types of injuries, mentioned in the extract below.

There is a potential for serious injury, which mandates that all non-powder firearm wounds be thoroughly evaluated to avoid missing underlying severe injury. This should include localization of the foreign body, if present, in three dimensions using imaging techniques (typically roentgenograms), determination of the trajectory to postulate the potential organs injured, and assessment of the need for operative intervention. Wounds determined to be minor should receive local wound care (irrigation, removal of foreign body if superficial), and tetanus prophylaxis. Antibiotics are not required routinely, but their use should be at the discretion of the treating physician. Antibiotics are typically reserved for patients with additional risk of wound infection. In the case of all our respondents, the victims had to receive prophylactic antibiotics since most of them had contamination. Some had required operative intervention.

Victims belonging to the latter category remain at a risk of suffering heavy blood loss and consequent fall in blood pressure immediately after being injured by pellets from close proximity. For such patients, permanent ocular damage as well as risk of amputation can be substantially reduced by access to healthcare facilities within six hours. Such surgeries tend to require multi-speciality operations with the presence of several doctors at once, slowing down the pace of operations. For this reason, they have even been deemed less complicated than treating the relatively traceable bullet wounds. However, given the state of affairs in Indian-administered Kashmir, it is very difficult to get multi-speciality care within the short period of time after the actual injury.

Access to healthcare to minimize the death and suffering of those injured by crowd control tactics is well entrenched in international law. Law enforcement personnel are bound by the Article Six of the resolution on Code of Conduct for Law Enforcement Officials adopted by the General Assembly of the United Nations in 1979 to 'take immediate action to secure medical attention

whenever required' by providing access to qualified medical practitioners and paramedics.

Yet, the Jammu and Kashmir police and other state actors have actively sought to prevent those injured in the firing from seeking medical treatment. Paramilitary and state police have been implicated in cases of assault and abuse of medical practitioners, preventing access to emergency care at a time when medical resources were strained thereby violating the aforementioned principle, in spite of the Srinagar High Court's directions to desist such illegal practices.[24] It has also been reported that CRPF personnel opened fire on ambulances and assaulted those identified as hospital staff[2526]. The repeated attacks on healthcare personnel led to the Doctors Association of Kashmir (a professional body of healthcare experts) issuing a statement in condemnation of such state brutality[27].

There have been multiple reports of police personnel dressed in civilian clothes showing up daily at leading multi-speciality hospitals as well as district hospitals following major crowd control operations. Allegedly, such personnel noted the names and addresses of pellet victims to be arrested upon release for rioting. The presence of police personnel in civilian clothing intimidated several pellet victims from accessing the necessary medical facilities.[28] 'Security checks' during day-long curfews impeded the movement of patients requiring urgent assistance. Similar patterns were observed in 2010; police personnel used intimidation of the injured protesters as a tool to control the growing dissent.[29]

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[24] Indian Express, 2016i, 14th December, "Kashmir: Apply mind before using pellet guns, says Supreme Court", http://indianexpress.com/article/india/kashmir-apply-mind-before-using-pellet-guns-says-supreme-court-4427186/

[25] Greater Kashmir, 2016c, 3rd September, "Police 'assault, abuse' medical staff of SDH Magam in Qamarwari", http://www.greaterkashmir.com/news/kashmir/police-assault-abuse-medical-staff-of-sdh-magam-in-qamarwari/227525.html

[26] PHR-INCLO, 2016, "Lethal in Disguise: The Health Consequences of Crowd Control Weapons", http://www.inclo.net/issues/lethal-in-disguise.html

[27] Daily Excelsior, 2016, 31st July, "Repeated attacks on Medical staff unacceptable: DAK", http://www.dailyexcelsior.com/repeated-attacks-on-medical-staff-unacceptable-dak/

[28] The Wire, 2016b, 5th September, "In Kashmir, Doctors Bear Witness", https://thewire.in/64045/in-kashmir-doctors-bear-witness/

[29] Bukhari, Mannan, 2015, "Kashmir - Scars of Pellet Gun: The Brutal Face of Suppression", Partridge India.

V

A Note on Methodology

APDP researchers used a combination of methods to produce this report. It draws primarily on ethnographic data, with testimonies from victims of pellet injuries. Research also included an exhaustive review of media pieces, detailed reporting, applicable international and national legal standards, and reports and statements from national and international non-governmental organizations, as well as inter-governmental organizations, on the developments in Kashmir starting July 2016.

Semi-structured interviews were conducted between 2016 and 2018 with people who were injured during the uprising, as well as their families. All interviewees and families gave consent as to the publications of their real names and cases. The 2016 interviews have been produced as narratives, while the 2017 & 2018 interviews have been produced as testimonies. This is due to different APDP office team members conducting the interviews. The main objective of the APDP's report is to document the patterns of human rights abuse in Kashmir and expose the state institutes and policies that facilitate the abuse. In order to do so, a set of data has been collected by interviewing victim survivors of the pellet blinding and rest of the information was obtained by following the proper procedures under the Right to Information Act.

Right to Information (RTI)[30]

Data was gathered through the process of applications filed by APDP under the Right to Information Act. RTIs were made to hospitals in different districts, to the Chief Medical Officers of districts– Anantnag, Ganderbal, Kupwara, Kulgam, Pulwama, and Shopian. RTIs were also made to the District Commissioners of AnantnagBandipora, Baramullah, Kupwara, Kulgam, Shopian and Srinagar. RTI application was made to the Directorate of Food, Civil Supplies & Consumer Affairs Department, Kashmir.

[30] The Jammu & Kashmir Right to Information Act, 2009 (RTI) provided a legal mechanism for allowing citizens access to government records.

The RTI process was difficult. Not all districts responded and not all of those who responded, responded comprehensively. Hence, the numbers below are only a fraction of what are likely to be the full range of injuries and deaths as documented by media reports and APDP. According to the RTI responses, the total number of injured people in Anantnag is 857, and the number of persons injured due to teargas shells and bullets is shown to be zero. While, the response said no people had disabilities at the time of discharge. This is contradicted in the next section of the response, which said that disabilities caused due to pellet injuries is 650. 137 people were injured in Ganderbal, with 31 people living with disabilities because of pellets. 195 people were injured at the bone and joint hospital, with 38 injured by pellets and 26 injured by tear gas shells. 48 people were injured by beatings, etc. According to the official response, 648 people were injured in Kupwara, but not all administrative blocks provided data about the nature of the injuries. The data provided by the officials was quite generic and obscuring in nature. 1235 people were injured in Baramulla, and 348(reportedly injured were admitted) in SKIMS Soura. The Deputy Commissioner's Office in Srinagar did not provide any information. This report is unable to access and analyze a lot of important data related to the state action during and after the uprising, because of this arbitrary and haphazard interpretation of the RTI law.

We also want to highlight that police commissioner offices across the valley denied APDP access to data on specific issues which includes the number of detainees and dossiers booked under the Public Safety Act. This information was refused in some instances, based on Section 8 (1) (a) and Section 8 (1) (f) of the RTI Act, according to which: (1) Notwithstanding anything contained in the Act, there shall be no obligation to give any citizen (a) Information, the disclosure of which would pre judicially affects the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state or leads to incitement of an offence. (f) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes. However, this is problematic for two reasons. First – section 21 of the RTI Act has a provision stating that information regarding corruption and human rights violations should not be excluded. Second –

while some police stations refused this information, several others provided it, making the refusal anomalous. It reveals how corruption and blatant practice of absolute power has been institutionalized in Kashmir, where institutions are not familiar with the process of accountability. Following the law on Right to Information, APDP could have approached the office of the State Information Commission (SIC) with an appeal. However, SIC has been dysfunctional since December 2015 and was revived after a long period of time in March 2017. The SIC was not functional for nearly two years, especially at a time when it was needed the most. This clearly shows the lack of governmental accountability

APDP managed to access a list of people who received treatment at SKIMS (Sher-i-Kashmir Institute of Medical Sciences) during this period, which was quite useful to analyze the impact of pellet blind and other health related concerns of victim of pellet blinding. APDP tried to get official and accurate information about (i) lists of injured persons, along with (ii) the nature of the injury, and (iii) complete personal details of those injured by filing right to information applications with relevant medical officers.

APDP obtained the record of the people injured because of pellets, tear gas shells, stones, and bullets; and admitted to SMHS hospital in Srinagar. The data was collected for a specific period, from 9-7-2016 to 24-10-2016. A total of 2494 persons were admitted during this period of such injuries. This is not the total number of persons injured during the uprising. Many victims visited other hospitals in different parts of the region, and several may not have gone to any hospital at all. However, this data is illustrative of the nature of injuries and deaths caused during this period.

The data records some deaths in this period; due to either bullets or as a result of sever pellet injuries. Of those injured, the most common injuries listed are from the use of pellet guns, including damage to limbs, organs and notably to the eyes. However, several other types of injuries have also been documented, including injuries by tear gas shells, from beatings, from stones, from stampedes, and firearms. People from a diverse age group were affected: starting from as low as 4-year-old to 75-year-old people. A

considerable number of people of the persons impacted - particularly from injuries caused by pellets - were 18 years old or below.

Interviews with persons injured by pellet-firing shotguns

APDP interviewed persons injured by pellet-firing shotguns at length to better understand the circumstances in which these injuries occurred, and their impact on those injured and their families. Some of these interviews were conducted as a follow-up after APDP conducted five awareness and counseling workshops for pellet victims in collaboration with Médecin Sans Frontières (MSF). MSF and APDP met on the 15th of September in 2016, and agreed to organize workshops for pellet victims. Multiple workshops were planned with special attention on age and gender until December 2016. APDP identified workshop participants, arranged the venue, and co-ran the workshops. Four workshops were conducted in North Kashmir, and one workshop was conducted in South Kashmir. The workshops were usually two and a half hours long, comprising of 15 participants in each session.

The narratives and case testimonies in this report illustrate that those injured during protests struggle with the long-term consequences of their injuries. The victims also suffered doubly because of the economic impact of the curfews imposed in Kashmir during this period. Often interviews included members of their family, who were involved in caring for them. This further highlighted the human impact of the state response to the uprising on people and their daily lives, which went beyond individual losses.

VI

The 2016 Uprising - Curfews, Deaths, and Injuries from Pellet-firing shotguns

The combined impact of state violence and repressive policies on communities as well as the economy as a whole was devastating. Curfews lasting for weeks, firing on unarmed protestors, attacks on media and medical personnel and facilities and mass arrests all caused a severe disruption of life. Economic activity and education were interrupted. Two of the major industries in Kashmir, tourism and agriculture, suffered heavy losses. The pellet gun injuries have destroyed the future hopes of hundreds of people.

Curfew and restrictions on movement

Following the popular uprising sparked by the killing of Burhan Wani, the government imposed several weeks of complete curfew in various parts of Kashmir. While the curfew was lifted in many parts of Kashmir after 51 days, it remained in force in some areas, such as Pulwama town and the areas in Srinagar, falling under the jurisdiction of police stations M R Gunj and Nowhatta.[31] Also, restrictions prohibiting the assembly of 5 or more people remained in force even after curfew was lifted. In many instances, the curfew was imposed "indefinitely", meaning people were not aware when it would end, and were unable to plan anything for their futures.

Curfew implies restrictions on people's rights to freedom of movement and freedom of assembly, as they were legally prohibited from meeting and politically organizing in public spaces. In some areas people did not follow the curfew and continued to participate in political demonstrations.[32] However, this was at great personal risk, and there were many resulting deaths and injuries because of the violent crackdown.

In addition, the curfew also had a debilitating impact on the ability of people to continue with basic tasks necessary for daily life. For example, there were

[31] http://www.deccanchronicle.com/nation/current-affairs/290816/kashmirs-longest-curfew-ends-after-52-days-restrictions-to-remain.html
[32] http://www.aljazeera.com/news/2016/07/kashmir-tenterhooks-police-brace-protests-160711103850796.html

multiple reports of people who were unable to access food or essential medication. The curfew also made it difficult for commodities to reach parts of Kashmir, and affected people's trade and business adversely.[33] The tourism industry is a good example of the curfew's debilitating impact. The government estimated that the tourism industry in Kashmir suffered a loss of INR 40 billion, equal to approximately USD 600 million, between July and October 2016.[34] The brunt of this loss is borne by the local people of the area. The same can be said for the fruit growing industry, reflected in the losses incurred by the Fruit Growers' Union in Kashmir who had suffered a loss of INR 90 million by the end of August 2016 because they were unable to transport fruit from villages to city centers because of the curfew.[35]

The curfew also impacted people's ability to celebrate cultural and religious festivals and events. The celebration of Eid in September 2016 was hugely impacted; for example, traditionally this celebration would involve a lot of shopping, meeting friends and family, and assembling together to celebrate. However, with the curfew and restrictions in place, very little of this was possible in 2016. Lack of telecommunications meant that people were unable to even call and wish their friends and family. People were unable to buy food for celebration as shops and bakeries were shut.[36] According to Al Jazeera's citation of Kashmiri experiences of curfews: **"**On days when the curfew is eased, children come out to play on the streets; young boys ride bicycles; old men venture out to buy newspapers; groups of men play carom on the pavements"; but,"they tell *Al Jazeera* that they do not want their photographs taken as that might give the impression that things are normal in Kashmir." Furthermore, "They [the government] impose a curfew and say this is a law

[33] http://indianexpress.com/article/india/india-news-india/kashmirs-longest-curfew-kashmir-unrest-it-is-painful-when-your-baby-needs-milk-and-youre-helpless-2996460/; http://www.hindustantimes.com/india-news/one-month-on-kashmir-valley-remains-caught-between-curfew-and-shutdown/story-pmlrvXvb1M5ucYarGukaKN.htm

[34] https://www.pri.org/stories/2016-10-31/another-uneasy-peace-kashmir-locals-say-its-meaningless

[35] http://kashmirreader.com/2016/08/27/curfew-restrictions-cost-fruit-business-rs-900-crore/

[36] For general reporting on this, see: http://www.dw.com/en/india-slaps-curfew-on-kashmir-during-eid/a-19549068; https://thewire.in/66305/kashmir-eid-pellets-death-mourning/

and order problem. It's not. It's a political dispute. They have to solve it politically. They have to talk to us, but they only kill and injure us."[37]

Deaths and injuries during the uprising

During the months of the uprising, there were hundreds of civilian deaths and injuries at the hands of state and security forces. This was part of state strategy to brutally repress the uprising. In total, JKCCS estimates that over 80 civilians were killed and over 11,000 were injured due to the action of state forces.[38] Over 4,500 of these injuries were caused by the indiscriminate use of so-called "non-lethal" pellet-firing shotguns, which are discussed in detail in the following section of this report. Other causes included use of firearms, tear gas, and other such weapons by the police and security forces. In some cases people were injured while they were participating in protests, and in many others (as described in later sections), non-participants and bystanders were also injured or killed. Casualties included children, young men and older persons. For example, on 16 July, the *Kashmir Observer* reported, the death toll had reached 44 when the security forces shot two young men.[39] In the first weekend, at least 30 people were killed and 200 injured.[40] On 27 August, the death toll had reportedly reached 74, with the drowning of a young man at Marhama, Sangam.[41] Guns and firearms caused many civilian deaths. Police opened fire during protests, which in some instances involved protestors throwing stones.[42] Police and security forces were also killed and injured. Media reports suggest that over 2500 CRPF personnel were injured, and 43 "instances of petrol, acid and kerosene bombs thrown by stone-pelters on the force were recorded."[43]

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[37] https://www.aljazeera.com/indepth/features/2016/08/kashmir-story-defiance-grief-160821113602572.html

[38] https://www.upr-info.org/sites/default/files/document/india/session_27_-_may_2017/js45_upr27_ind_e_main.pdf

[39] https://kashmirobserver.net/2016/local-news/2-more-youth-killedinjured-succumbs-toll-mounts-44-8601

[40] http://www.aljazeera.com/news/2016/07/kashmiris-decry-world-silence-killings-160710165312853.html

[41] https://kashmirobserver.net/2016/local-news/death-toll-74-valley-completes-50-days-curfew-9749

[42]

[43] http://www.firstpost.com/india/kashmir-unrest-modified-pellet-guns-to-prevent-eye-injuries-says-crpf-chief-general-k-durga-prasad-3305690.html

In a statement very early on in the uprising, *Human Rights Watch* called for credible and impartial investigations into police use of lethal force during violent protests. "The Indian authorities need to send a clear message that lethal force is only an option when a life is at imminent risk, and those misusing force will be held accountable."[44] Many deaths were also caused by the use of tear gas and tear gas shells.[45] For example, in August 2016, a 20-year-old man died after being hit with a tear gas shell.[46] One man died when a tear gas shell hit him in the chest,[47] another died when a shell hit him on the head.[48] Tear gas shells also caused injuries. A man was hit in the spleen by a tear gas shell. Doctors had to remove the spleen to save his life, and will now have to live without this important organ.[49] 25 people were injured in a protest because of tear gas in September 2016.[50] In one instance, a man got a heart attack when tear gas shells exploded outside his house, and died. He was not protesting.[51]

According to the Office of the United Nations High Commissioner for Human Rights report on Kashmir released in 2018, revised figures showed that 130 - 145 civilians were killed by security forces between mid-July 2016 and the end of March 2018.[52]

"Non-Lethal" weapons: pellet-firing shotguns

A major part of the response by security forces in the 2016 uprising involved the use of so-called "non-lethal" weapons – pellet-firing shotguns. These guns were introduced and began to be commonly used after the uprising in 2010.

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[44] https://www.hrw.org/news/2016/07/12/india-investigate-use-lethal-force-kashmir
[45] http://www.kashmirreader.com/2016/09/10/150-injured-on-curfewed-friday/
[46] https://kashmirobserver.net/2016/local-news/youth-killed-after-being-hit-tear-gas-shell-chest-9564
[47] http://www.ndtv.com/india-news/tear-gas-shell-kills-man-in-kashmir-80-year-old-gets-pellet-injuries-1446765. See also - http://www.hindustantimes.com/india-news/kashmir-unrest-teen-boy-dies-after-being-hit-by-tear-gas-shell/story-83XWaiIEABZQrmR1tR8ZsI.html
[48] http://m.rediff.com/news/report/two-youth-killed-in-kashmir-toll-goes-up-to-75/20160910.htm
[49] http://www.kashmirlife.net/day47-when-slain-amir-was-hit-by-tear-gas-shell-after-lelhaar-encounter-115699/
[50] http://www.newindianexpress.com/nation/2016/sep/10/Kashmir-protest-2-killed-25-injured-in-tear-gas-attack-1517862.html
[51] http://www.kashmirreader.com/2016/09/08/fight-for-azadi-continues/
[52] https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf

The CRPF has admitted that over 1.2 million pellets in the first 32 days of the protests in 2016.[53] According to the *Indian Express*, pellets are loaded with lead and once fired they disperse in huge numbers in all directions, and "don't follow a definite path". Hence no one can control whom they end up inuring. On 22 August, *Al Jazeera* reported that Srinagar's Shri Maharaja Singh hospital treated at least 446 patients with eye injuries.[54] By February 2017, reports were suggesting that the injuries were as high as 10,000 people,[55] of which about 1200 were injured in the eyes.[56]

There are many reasons for which the excessive and indiscriminate use of pellet shotguns needs to be criticized in Kashmir. First - it is grossly incorrect to call pellet shotguns "non lethal" weapons. As the case of the uprising in Kashmir is evidence of, depending on how they are used, pellet shotguns can have debilitating and fatal consequences. In September 2016, for example, a young boy in Class 7 succumbed to pellet injuries and died.[57] As late as February 2017, there were reports of an ambulance driver who had been hit by some 200 pellets while on duty during the uprising, and finally succumbed to his injuries months later.[58]

Second – the most notorious aspect of the use of pellet-firing shotguns is their capacity for causing serious injury and disability, in particular to people's eyes. Many children were blinded by pellet injuries. By 18 July 2016, over 150 eye injuries had been performed due to injuries from pellets.[59] The *New York Times* reported that at the end of August 2016, 570 people had eye injuries in Srinagar's main hospital alone.[60] Reports have called attention to this aspect

[53] https://www.nytimes.com/2016/08/29/world/asia/pellet-guns-used-in-kashmir-protests-cause-dead-eyes-epidemic.html?_r=0
[54] http://www.aljazeera.com/news/2016/08/kashmir-hundreds-suffer-eye-injuries-pellet-guns-160821054617323.html
[55] http://www.thehindu.com/todays-paper/tp-national/kashmir-reacts-with-anger-over-pellet-shotgun-report/article17405376.ece
[56] http://www.ndtv.com/india-news/to-minimise-damage-by-pellet-guns-in-kashmir-comes-this-modification-1665128
[57] http://www.kashmirreader.com/2016/09/17/day-70-class-7-boy-succumbs-150-injured/
[58] http://kashmirlife.net/pellet-injured-kulgam-youth-loses-life-five-months-133067/
[59] https://www.theguardian.com/commentisfree/2016/jul/18/india-blinding-kashmiri-protesters-justice-steel-pellets
[60] http://www.nytimes.com/2016/08/29/world/asia/pellet-guns-used-in-kashmir-protests-cause-dead-eyes-

of the impact of pellet shotguns, terming it the "epidemic of dead eyes".[61] On 22 September, a doctor stated that, "Currently, if we go by the trend in the past 11 days, 28.5 people are being admitted to the hospital daily".[62] It is key to underscore the debilitating impact of these injuries. They have huge implications for the lives and futures of those injured: people who have been blinded or who have partly lost sight may be unable to ever work again, study again, provide for their families, and do the activities they enjoy. This will follow them for the rest of their lives. Furthermore, treatment is time consuming, expensive, and not easily available, adding to the difficulties that pellet-injured victims and their families face.[63]

It has been unclear what the Standard Operating Procedure (SOP) for using pellet-firing shotguns is, and whether it was followed. It has been incredibly hard to access information about the Standard Operating Procedures for the use of pellet shotguns as well as details of the ammunition used during this period. Human rights activist Venkatesh Nayak asked for the Standard Operating Procedure (SOP) for using pellet shotguns, but was told "In the instant case, there appears to be no violation of human rights as well as the facts do not attract allegations of corruption. Moreover, your application does not make any reference to such allegations. Hence, this department is not liable to provide any information under the RTI Act, 2005".[64] Furthermore, security forces have given mixed responses to whether the SOP was followed. While some said it had been followed, others stated that it was difficult to follow the process while dealing with real life situations.[65] Using weapons in a manner inconsistent with the SOP associated with it is a clear violation, and should be strictly investigated.

Jammu and Kashmir is the only place where Indian forces use pellet guns as a method of crowd control. Human rights groups have advised against the use

[61] http://www.nytimes.com/2016/08/29/world/asia/pellet-guns-used-in-kashmir-protests-cause-dead-eyes-
[62] https://thewire.in/67770/kashmir-high-court-declines-ban-on-pellet-guns-injuries-continue/
[63] http://www.bbc.co.uk/news/world-asia-india-36822567
[64] http://indianexpress.com/article/india/crpf-turns-down-query-on-use-of-pellet-guns-in-kashmir-4465270/
[65] https://thewire.in/67770/kashmir-high-court-declines-ban-on-pellet-guns-injuries-continue/

of pellet guns, because they are inherently inaccurate and indiscriminate, and the risk of their use is too high. In the context of Kashmir, Amnesty International has said "Pellet firing shot guns fire a large number of small pellets spreading over a wide range. Sources in the Jammu and Kashmir state police told Amnesty International India that the pellet gun cartridges most commonly used in the state contain 400-500 plastic pellets, resembling ball bearings".[66] According to them, the use of pellet-firing shotguns is not in line with the international standards on the use of force. As stated above in the Introduction, the UN OHCHR has asked the Indian government to immediately discontinue the use of pellet-firing guns.

Similarly, in their detailed report on this issue released in December 2016, Physicians for Human Rights have recommended that the government should "Immediately cease and prohibit the use of 12- gauge shotguns loaded with No. 9 shot for crowd control" and "Recognize that kinetic impact projectiles of all types – including single projectile munitions such as rubber or plastic bullets – are not an appropriate weapon for crowd control, and, specifically, for crowd dispersal, given that they can rarely be used safely against crowds, and that, at close range, their lethality and patterns of injury become similar to those of live ammunition".[67]

In July 2016, the Jammu and Kashmir Bar Association filed a petition in the High Court asking for the use of pellet guns to be banned and for the officers who used them to be investigated.[68] Simultaneously, the central government also set up a Committee of Experts to explore alternatives to pellet guns. In September 2016, the High Court refused to admit the petition, stating "Having regard to the ground situation prevailing as of now and the fact that Government of India, Ministry of Home Affairs has already constituted a Committee of Experts through its Memorandum dated July 26, 2016 for exploring other alternative to pellet guns.Before filing of the report by the Expert Committee and a decision taken at the government level, we are not

[66] https://www.amnesty.org.in/show/news/jk-government-must-end-use-of-pellet-guns
[67] https://s3.amazonaws.com/PHR_Reports/Kashmir-Report-Dec-2016.pdf
[68] http://indianexpress.com/article/india/india-news-india/kashmir-high-court-bar-association-seeks-ban-on-use-of-pellet-guns-2945881/

inclined to prohibit the use of pellet guns in rare and extreme situations".[69] The Expert Committee submitted its report in August 2016, however it is still not public. It did not recommend a ban on pellet guns, asking instead that it only be used in the rarest of rare cases. Furthermore, it reportedly recommended chili grenade shells as an alternative.[70]

The petitioners appealed this dismissal at the Supreme Court,[71] where the matter is still being heard. As of May 2017, the Supreme Court has asked for a copy of the Expert Committee report, and asked the central government to "consider effective means other than use of pellet guns to quell stone pelting mobs in Jammu and Kashmir as it concerns life and death".[72] In 2017, the Jammu and Kashmir government granted amnesty to as many as 390 first-time stone pelters.[73] But the consequences of pellet-injuries for some of those who were stone pelters are ongoing, as some of the testimonies published here testify.

[69] http://www.ndtv.com/india-news/high-court-declines-plea-to-ban-pellet-guns-cites-mob-violence-in-jammu-and-kashmir-1465124
[70] http://www.thehindu.com/news/national/Pellet-guns-are-here-to-stay-committee-suggests-alternatives/article14620019.ece
[71] http://www.tribuneindia.com/news/jammu-kashmir/courts/supreme-court-issues-notice-to-centre-j-k-on-use-of-pellet-guns/336822.html
[72] http://www.hindustantimes.com/india-news/supreme-court-asks-centre-to-consider-alternatives-to-pellet-guns-in-kashmir/story-VuJbPS4iO41XNhzU57YJ0K.html
[73]See the Jammu & Kashmir Coalition for Civil Society's November 2017 Informative Missive: http://jkccs.net/informative-missive/

VII

Medical Testimonies on Pellet Injuries

Testimony of the doctors who treated the injured

1. A doctor in Srinagar anonymously testified, "We've performed about 100 surgeries in the last three days. Most of them are going to lose eyesight in one eye. All we have been able to do is to avoid further damage. I've worked continuously for more than 70 hours since Saturday, mostly operating on young boys with severely damaged eyes".[74]
2. Dr. Adil Ashraf, registrar of medicine and the president of the SMHS Doctors' Association says, "Not every pellet firing or beating seems provoked, it just cannot be. The age and nature of injury is on record." Most of his patients were in the 17-25 age group, but he has also treated an 82-year-old woman who was brutally beaten all over and a three-year-old girl with pellets lodged all over her body. In another hospital, a 22-year-old ATM guard was found to have 362 pellets in his guts, which is only possible from being shot at close range. He was killed on the spot. "These people did not participate in stone pelting," says Ashraf.[75]

[74] http://www.sandiegouniontribune.com/sdut-hospitals-in-kashmir-overwhelmed-after-days-of-2016jul13-story.html#
[75] https://thewire.in/politics/in-kashmir-doctors-bear-witness

VIII Attacks on Reporters, Human Rights Defenders and Medical Personnel and Facilities, Arbitrary Detentions and Other Abuses

Censorship of the News

During the uprising in Kashmir, there were several reports of governmental interference with the functioning of the free press. On 17 July, very soon after the uprising began, there were reports of police raiding printing presses, stopping printing machines, seizing printed newspapers and printing plates, and detaining newspaper staff.[76]Affected newspapers included Greater Kashmir, Rising Kashmir and the Kashmir Observer, the most circulated papers in the Valley. Later, a police officer was apparently removed for facilitating this raid.[77]

On the following day, newspaper publication was banned for three days, and no papers were printed or distributed. A government spokesperson stated: "The undesirable step was taken to ensure peace".[78]In their statement, Kashmir-based editors stated that they were told that the ban was "in view of apprehensions of serious trouble in Kashmir valley in the next three days aimed at subverting peace…strict curfew will be imposed and movement of newspaper staff and distribution of newspapers will not be possible".[79]

Two days later, a different government spokesperson denied this ban, stating there was "no ban on newspapers" and what had occurred was some "miscommunication". He said "Sometimes decisions taken at a local level is

[76] http://indianexpress.com/article/india/india-news-india/kashmir-violence-protest-burhan-wani-killing-media-blockade-newspaper-raid-staff-held-2918852/

[77] http://www.ndtv.com/india-news/senior-kashmir-police-officer-removed-for-raid-on-newspaper-office-1433044

[78] http://www.hindustantimes.com/india-news/j-k-govt-bans-publication-of-newspapers-in-valley-for-3-days-to-ensure-peace/story-VbUcLgOQOScIxCMmHdYrgP.html

[79] http://www.hindustantimes.com/india-news/j-k-govt-bans-publication-of-newspapers-in-valley-for-3-days-to-ensure-peace/story-VbUcLgOQOScIxCMmHdYrgP.html

not something highest authority approves of … We need to know who took the decision on the ban. We will take action once the crisis is over".[80] It is not clear if any action has been taken to date. To protest, both, the ban and the government's refusal to openly admit to the ban, newspaper editors in Kashmir chose not to print on the fourth day.[81]

Around the time the press was curtailed on 17 July, there was also a ban on cable TV. A government minister told Reuters "The clamp-down was necessitated as Pakistani channels that are beamed here through cable television network have launched a campaign aimed at fomenting trouble here".[82] Police reportedly went to the offices of cable TV producers and switched off transmission.[83]

Similarly, on 2 October, the government of Jammu and Kashmir used a court order to stop the publication of the Kashmir Reader, a newspaper based in Srinagar, until further notice.[84] The alleged grounds were that the Kashmir Reader contained "material and content which tends to incite acts of violence and disturb public peace and tranquility".[85] The editor of the paper also stated that he was not given any notice of this move, although this has ben contested by the government.[86] The Kashmir Editors Guild and the Editors Guild of India both protested this move. The Kashmir Editors Guild asked the government "to revoke the ban forthwith, failing which the Valley-based

[80] http://www.ndtv.com/india-news/senior-kashmir-police-officer-removed-for-raid-on-newspaper-office-1433044

[81] http://www.business-standard.com/article/news-ians/kashmir-newspapers-not-to-print-over-government-propaganda-116071901306_1.html

[82] http://www.bbc.com/news/world-asia-36815815

[83] http://indianexpress.com/article/india/india-news-india/kashmir-unrest-information-blackout-as-newspapers-seized-printing-press-raided-2917334/

[84] http://www.aljazeera.com/news/2016/10/kashmir-newspaper-banned-inciting-violence-161003061348246.html

[85] http://indianexpress.com/article/india/india-news-india/kashmir-editors-guild-of-india-urges-mufti-to-reconsider-ban-on-kashmir-reader/

[86] http://www.firstpost.com/india/editors-guild-asks-mehbooba-mufti-to-reconsider-ban-on-newspaper-kashmir-reader-3044522.html

newspapers would be forced to take direct action".[87] In its statement, the Editors Guild of India stated that it had "always championed the cause of the freedom of the press and believes that any move to obstruct, infringe or impose a ban on the press is an assault on democracy itself". It asked for the ban to be reconsidered, and for the Chief Minister of Jammu and Kashmir "to go into the complaint of Mr. Haji Hayat, editor-in-chief Kashmir Reader that the ban was "arbitrary" and that "no notice was served" before the ban was imposed".[88] On 10 November, PEN International and PEN Delhi also issued a statement, asking the government to "revoke blanket ban on Kashmir newspaper".[89] After a period of three months, the Kashmir Reader was permitted to publish again in late December 2015.

Views of senior journalists on the censorship and media gag

Hilal Mir, executive editor Greater Kashmir

First of all, by merely calling it (India) a democracy won't make it a democracy. This realization is now also dawning upon the most well-meaning and well thinking Indians that it is not a democracy where a person whose role in a mass murder is very well known, who if not by his active role but by his silence during that genocide and violence is now head of the government. I mean we should now start questioning whether it was a democracy in the first place. Maybe it is a democracy for some Indians but ask Kashmiris, ask people in Assam, ask people in Manipur, Nagaland and Mizoram whether it had ever been a democracy for them. They have their serious doubts. They have serious questions about it. It had never been a democracy and many people are fond of saying that Indian democracy stops at Banihal tunnel.I think marginal voices have always been suppressed in India. You see Dalit protests or protests of tribal people in mainland India – they are never reported. Or are under-reported in the Indian press. Recently, when NDTV India was banned for a day, there was a hue and cry and the government had

[87] http://www.thehindu.com/news/national/other-states/Journalists-protest-against-ban-on-Kashmir-newspaper/article15424019.ece

[88] http://www.firstpost.com/india/editors-guild-asks-mehbooba-mufti-to-reconsider-ban-on-newspaper-kashmir-reader-3044522.html

[89] http://www.pen-international.org/newsitems/india-revoke-blanket-ban-on-kashmir-newspaper/

to revoke it but with Kashmir Reader, it has been more than two months since it was banned. A newspaper or a news channel, I don't remember properly, was banned in Assam. A newspaper was banned in Tamil Nadu also. That shows that there are serious flaws, a serious crisis with Indian democracy. Look at how minorities are being treated in India, especially Muslims. A BJP (Bhartiya Janata Party) councilor was seen leading a group of vigilantes beating a Muslim couple and asked them how dare they thought of living in a neighborhood which is full of Brahmins. https://www.wandemag.com/professionally-run-newspaper-interview-hilal-mir/)

Yousuf Jameel senior journalist and correspondent Voice of America (VOA)

There was a time when Kashmiris had no voice. But a lot of people, especially the generation raised during the conflict is turning to Facebook and Twitter. For every story that comes from New Delhi they counter it on the Facebook, which the government deems dangerous because they want to obscure the truth. We don't see internet crackdown elsewhere. (Yousuf Jameel, Senior Journalist, https://www.greaterkashmir.com/news/kashmir/-indirect-censorship-rightwing-agenda--journalists-react-to-hoot-report/273009.html)

Communications Blockade

Immediately following the uprising, there was also a communications blockade in Kashmir, and private landline, mobile and internet services were suspended in many parts of the state, after governmental orders. Only services provided by the state-run BSNL were functional in parts.[90] Amnesty International has stated that this communications blackout undermined human rights and enabled a range of human rights violations.[91] There was an almost complete communications blockade for the first 15 days of the uprising, and then the blockade was imposed intermittently for a few days at a time for the next few months.

[90] https://www.amnesty.org.in/show/news/communications-blackout-in-kashmir-undermines-human-rights

[91] https://www.amnesty.org.in/show/news/communications-blackout-in-kashmir-undermines-human-rights

APDP tried to get official and accurate information about the number of times the government had cut off internet and mobile services, and the copies of the orders authorizing this, during this period by filing right to information applications. However, APDP received no response at the time of writing this report. First appeals were also filed, but with no response.

The communications blockade had a debilitating effect on life in Kashmir. Families were unable to reach each other at a time when people were being killed and injured, causing great mental anguish to many.[92] Businesses suffered because of the lack of Internet and communication. People were unable to access news and information, both, about what was happening in different parts of Kashmir and what was happening in other parts of the world. The communications blockade severely impacted the ability of all people to access necessary information and to communicate with each other at a time at which this was of great importance.

Attacks on Journalists

During this period, journalists reporting on what was happening in Kashmir were also injured, both, by pellet guns and other actions of the security forces, and by protestors.[93] The government was unable to ensure their safety and security.

In September 2016, a statement by the International Federation of Journalists expressed "serious concerns over press freedom violations by state and non-state parties in the ongoing protests in the state of Jammu and Kashmir".[94]

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[92] http://www.firstpost.com/india/kashmir-unrest-no-cell-phones-no-commodities-no-news-and-nowhere-to-go-2898790.html; http://m.dailyhunt.in/news/india/english/greater+kashmir-epaper-greaterkashmir/worst+ever+communication+blockade+triggers+humanitarian+crisis-newsid-55872404

[93] http://www.hindustantimes.com/india-news/how-journalists-come-under-fire-from-both-sides-in-strife-torn-kashmir/story-9nS2dqhYkGVj8dEx7CY0vJ.html

[94] https://www.ifex.org/india/2016/09/16/unrest_kashmir/

The statement referred to multiple cases of journalists injured by pellet guns fired by security forces while they were covering protests. One of the journalists quoted in the statement said "A policeman who saw us taking photos fired pellets directly at us". IFJ also referred to other instances where police and other security forces beat journalists, and damaged their property, which has also been reported in other outlets.[95]In one instance, security forces reportedly raided the home of a photojournalist.[96]

Similarly, in August 2016, the Committee to Protect Journalists highlighted the case of two staff members of the Kashmir Observer, who were injured by protestors who threw stones at them.[97] CPJ also noted that "Journalists working in the state during this period have reported being harassed and attacked by protesters and security forces" and said that the "Authorities in Jammu and Kashmir must take stronger measures to ensure the safety of journalists", and investigate attacks against journalists. Other publications have also reported on similar attacks and threats against journalists.[98] According to the report, 54 journalists have come under attack in the last 16 months, through 2016 and the first quarter of 2017. The actual number is probably much more, if a revelation by the minister of state for home affairs that there were 142 journalist deaths during 2014-15 is anything to go by. The World Press Freedom Index published by Reporters without Borders has placed India at the 136th position, three places down from its position the year before. (The Hoot Annual Report on Freedom of Press in India. https://thewire.in/politics/for-india-a-year-of-shrinking-liberty)

Few, if any, of these attacks have been investigated and police were unable to provide any real protection to journalists during the protests and uprising. Not only does this impact the safety and security of the people involved, but

[95] http://www.kashmirlife.net/day57-irate-forces-flex-muscles-on-media-persons-in-batamaloo-116890/

[96] http://www.kmsnews.org/news/2016/08/31/indian-forces-attack-journalists-house-in-srinagar.html

[97] https://cpj.org/2016/08/journalists-attacked-by-protesters-as-curfew-lifts.php

[98] http://scroll.in/article/813604/journalists-in-kashmir-bear-the-brunt-of-public-anger-against-the-national-media

has a debilitating effect on the ability of journalists to do their jobs freely for fear of harm.

Attacks on Human Rights Defenders

Perhaps the most well-known instance of human rights defenders being harassed during the 2016 uprising had to do with the Khurram Parvez, who was first prevented from leaving India to travel to Geneva, and was then detained under the Public Safety Act for 76 days. Parvez is a human rights activist who has been working in Kashmir for several years, documenting enforced disappearances, extra-judicial killings, sexual violence, etc. On 14 September 2016, Parvez was stopped from traveling to Geneva to attend a UN Human Rights Council session, where he would be discussing what was happening in Kashmir. He was stopped from leaving India, even though he had a valid visa and other travel documents.[99]His colleagues who were with him were allowed to travel.

When Parvez returned to Srinagar, he was arrested and detained under "preventive detention" provisions of the Code of Criminal Procedure, including section 107 and section 151 (arrest to prevent the commission of cognizable offense). He was not allowed access to a lawyer. On 20 September, Principal District & Sessions Judge, Rashid Ali Dar, ruled that Parvez's detention was unlawful and directed the police to release him. Despite this order, Parvez was not released. Instead, he was transferred to a jail much further away, and detained under provisions of the Public Safety Act, a law that authorizes administrative detention for up to two years under certain circumstances. This report deals with the problems with the PSA in a different chapter. In a statement issued by the UN OHCHR, four special rapporteurs noted "His continued detention following his arrest just a few days before his participation in the U.N. Human Rights Council, suggests a deliberate attempt to obstruct his legitimate human rights activism".[100] On 26 November 2016, the Jammu

[99] http://www.hindustantimes.com/india-news/kashmiri-activist-khurram-parvez-detained-day-after-being-stopped-at-delhi-s-igi/story-GDHpUnGmBawZwRyDEBiJqM.html

[100] http://in.reuters.com/article/india-un-kashmir-idINKCN12J23U

and Kashmir High Court quashed his detention, saying that the government order was "illegal" and that the "detaining authority has abused its powers".[101] He was finally released on 30 November 2016.

Arbitrary Detentions Under the Public Safety Act during the Uprising

The government used the PSA extensively during the 2016 uprising, arresting and detaining persons without charge or trial for long periods of time. Reports suggest that over 700 detention orders were issued.[102] A detailed investigation by the *Indian Express* found that as of October 2016, 487 detention orders had been issued, and 434 persons were arrested.[103]Greater Kashmir, a Kashmir based daily newspaper, called the state crackdown "unprecedented" and reported that 489 PSA detention orders were passed of which 415 were executed.[104]For example, Khurram Parvez was eventually detained under provisions of the PSA. In October 2016, Amnesty International, the International Commission of Jurists and Human Rights Watch issued a statement on the use of the PSA in Kashmir, saying over 400 persons were detained at the time.

Worryingly, the PSA was also used to detain children during this period. The detention of children under the PSA was expressly prohibited after a recent amendment in 2012 to the Act. In December 2016, the High court quashed the detention of two children, stating they were impermissible.[105] Similarly, in March 2016, the High court quashed the PSA detention of 7 persons including a minor.[106]According to reports, in the last three months of the 2016 uprising,

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[101] http://indianexpress.com/article/india/india-news-india/detention-of-rights-activist-khurram-parvez-illegal-release-him-jk-hc-4395740/

[102] https://thewire.in/90077/public-safety-act-kashmir/

[103] http://indianexpress.com/article/india/india-news-india/jammu-kashmir-unrest-400-public-safety-act-arrests-curfew-3092443/

[104]http://www.greaterkashmir.com/news/front-page/in-unprecedented-crackdown-post-1990-489-booked-under-psa/230261.html

[105] http://www.kashmirreader.com/2016/12/29/psa-detention-of-minors-not-permissible-hc/

[106] http://www.greaterkashmir.com/news/front-page/hc-quashes-psa-detention-of-7-persons/242840.html

85 minors were held for stone pelting and street protests and lodged in Juvenile Home at Harwan, Srinagar.[107]

APDP tried to get official and accurate information about (i) the number of PSA dossiers prepared and (ii) the list of people detained under the act, and their personal details, during this period by filing right to information applications with different district police stations. Not all districts responded, and those that did, did not do so comprehensively. As a result, the information received is only a fraction of the total and does not tally with the other findings released on this. Pulwama said 87 people were detained under the PSA, and Kulgaum said 29 were. Many refused to provide this information on the grounds that RTI exemptions applied.

The total numbers of those detained remains unclear. When asked in the State Legislative Assembly in December 2016, the J&K Chief Minister stated that over 2600 cases had been registered in the state with respect to stone pelting; 463 people were detained under the PSA during the protests, of which 145 were released; and 318 remained in detention.[108]According to data accessed by a Kashmiri newspaper in February 2017, over 750 habeas corpus petitions were filed by lawyers in the J&K High Court since the uprising began, asking for people to be released, suggesting that a number of people remained in detention.[109]

Furthermore, during the 2016 uprising till October, over 7000 arrests have been made and 2,300 FIR's lodged. According to official sources, majority of the arrests have been made in South Kashmir, where over 4,000 people have

[107] http://www.greaterkashmir.com/news/front-page/in-3-months-85-minors-arrested-for-rioting-endangering-life-of-others/230677.html

[108] http://economictimes.indiatimes.com/news/politics-and-nation/over-2600-cases-of-stone-pelting-in-jammu-kashmir-till-december-31-government/articleshow/56312610.cms

[109] http://www.kashmirreader.com/2017/02/20/750-habeas-corpus-petitions-filed-lawyers-psa-detentions/

been detained, while over 2000 and 1000 have been detained in North Kashmir and Central Kashmir districts of Jammu and Kashmir respectively.[110]

"My 80-year-old father was pushed into a police jeep with me," said Showkat. "And we were made to travel continuously for three days and nights before finally reaching the jail in Jammu."Showkat said for those three days of continuous travel, with some halts at different places on the way, they were not given much to eat. "My father vomited due to this sudden and tiring road travel at night in a police jeep," he said. When they finally reached the Kot Bhalwal jail around midnight, he said they were locked up in a small cell. "We were given stale bread and we found four dead rats inside a drinking water pot there," he said. "My father vomited again. It was painful to see him in that condition." (Son of Ali Mohammad Dar, 80 a PSA detainee. https://thewire.in/politics/kashmir-hurriyat-detention-psa)

Damage to property and livelihood

Another violation of the right to life during this period has to do with the livelihood constraints on government employees. Government employees were ordered to report to work, even during the period of curfew. If they were unable to make it, they were often not paid. APDP was able to access official documentation and circulars which instituted and implemented this practice. For example, a circular issued on 22 September 2016 authorized salary disbursements to only those employees who attended their duties, and stated that salaries of absent officials were not be released. For the month of September according to General Administrative Department, the salaries of the unauthorised absentee employees were not being released on the instructions of the Chief Minister of Jammu and Kashmir. The term "unauthorized" absentee employee is a vague one, and has allowed the government to dock wages. A similar circular in Pulwama district stated that "employees who have not attended their legitimate duties during the Hartal" should "be treated on dies...non leave under Leave Rules 163 as per CSR", meaning they need not be paid. The unfairness of this measure is striking, as this report has described the nature of the curfew and difficulties in moving

[110] http://www.greaterkashmir.com/news/kashmir/over-7000-arrested-2300-firs-registered/230262.html

and communicating in this period. Making it mandatory for government employees to report to work at a time when the government itself has imposed a curfew amounts to unfairly jeopardizing their livelihood in an already difficult time.

Attacks on ambulances and hospitals treating injured persons

In this period, there were also several allegations of attacks against ambulances charged with bringing injured persons to hospitals. In July 2016, The *Hindustan Times* reported that at least 50 ambulances had been damaged. They simultaneously pointed to video footage that had emerged, which indicated that security personal were responsible for at least a few attacks on ambulances.[111] This was also not restricted to just a few regions. Citizens reported this type of damage to ambulances in Anantnag, Shopian, Pampore, Pulwama, and Kulgam districts. The *Indian Express* reported on 14 July that, according to the J&K Health Department and government hospitals, 70 ambulances had been damaged during the protests, by protestors and security forces.[112] On 2 August, the Directorate of Health Services, Kashmir stated that around 110 ambulances had been damaged.[113] This was acknowledged by officials of the Directorate of Health Services, Kashmir. However, reports suggest that no complaints were filed regarding attacks on ambulances because hospitals feared reprisals.[114]

These attacks meant that several who people who were injured and needed access to emergency and necessary health care, were unable to reach hospitals in time. In many instances, this led to their death or severe injury and disability. For example, according to reports, Aamir Nazir Latoo suffered bullet injuries near his house. The reports state that he was not even

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[111] http://www.hindustantimes.com/india-news/50-ambulances-attacked-in-kashmir-activists-blame-security-forces/story-bCmMFbQZl4x6bzzl4jXTwO.html

[112] http://indianexpress.com/article/india/india-news-india/kashmir-70-ambulances-damaged-during-protests-health-department-2912349/

[113] https://www.sabrangindia.in/article/security-forces-protestors-damaged-over-100-ambulances-kashmir

[114] http://www.firstpost.com/india/kashmir-unrest-life-saving-ambulance-drivers-reveal-how-they-are-targeted-in-the-violence-2945222.html

participating in a protest at the time he was injured. His parents rushed him to the sub-district hospital in Bijbehara, and the doctors there called an ambulance to rush him to Srinagar. However, his father said that police attacked the ambulance before it could leave, "breaking its windscreen and windows". They police beat up the family of people in the ambulance, and then kept the ambulance in the police station for a couple of hours. By the time the ambulance reached Srinagar, Aamir was unable to get the critical care he needed, and he died the next morning.[115] Azad Ahmad Thoker from Kulgaum had a similar story. He was shot in both thighs by bullets by security forces. While being taken to a hospital in Srinagar in an ambulance, they were stopped multiple times by members of the police and CRPF and beaten. By the time Azad arrived at the hospital, he was almost dead, and he died within two hours.[116]

This has also increased the risks faced by ambulance drivers, many of who have been seriously injured during this time. *The Wire* reported that since most of the ambulances did not have window panes, drivers had to wear bike helmets while driving to protect themselves.[117] In August 2016, doctors at Pulwama hospital went on strike to protest the treatment of ambulance drivers, and the harassment of medical staff.[118]

A report by the human rights organization *Physicians for Human* Rights released in December 2016 noted that "Accounts from doctors and media reports show that, starting on July 8, 2016, Indian security forces deliberately obstructed access to urgent medical care for protesters and harassed medical workers attempting to treat protesters, including by preventing doctors from reaching the hospitals where they work.

[115] http://m.greaterkashmir.com/news/kashmir/story/229292.html

[116] http://m.greaterkashmir.com/news/kashmir/story/229156.html

[117] https://thewire.in/52403/kashmir-ambulance-police-crpf/

[118] http://www.kashmirmonitor.in/Details/108362/doctors-paramedics-protest-against-attack-on-ambulance-drivers

Police presence in hospitals has also led to allegations that police often got particulars from injured persons and filed charges against them while they were in hospital, assuming that their injury suggested they were involved in protests.[119] This concern was also echoed in the report on this issue by *Physicians for Human Rights*, which added that this practice had a deleterious impact on the health of people, because "Doctors said a large number of patients, especially boys and young men between the ages of 16 and 24, refused to give their names or identifying information, making it difficult to keep their medical records and to contact patients for follow up treatment".[120] Many registered under false names.

There were several reports that security forces attacked people within and on their way to hospitals. For example, in a press release issued in July 2016, Amnesty International said that "Doctors at Shri Maharaja Hari Singh hospital in Srinagar told Amnesty that the security forces had fired tear gas shells inside the hospital compound and harassed hospital staff".[121] These concerns were echoed in other reports as well. This behavior also continued into the uprising. In early August 2016, police and paramilitary personnel barged into a hospital in northern Kashmir, threatened the health workers there, and seized medication.[122] There have also been reports of tear gas shells being fired inside hospitals.[123]

APDP attempted to get official and accurate information about the numbers of ambulances and health workers attacked by filing right to information applications in different districts. As mentioned previously, the RTI process has had a lot of problems. Not all districts responded and not all of those who

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[119] https://thewire.in/52403/kashmir-ambulance-police-crpf/

[120] Page 16, https://s3.amazonaws.com/PHR_Reports/Kashmir-Report-Dec-2016.pdf

[121] https://www.amnesty.org.uk/press-releases/jammu-and-kashmir-attacks-hospitals-and-medics-must-be-prosecuted

[122] http://www.thecitizen.in/index.php/NewsDetail/index/3/8414/Forces-Raid-Hospitals-in-Kashmir

[123] http://www.thecitizen.in/index.php/NewsDetail/index/3/8414/Forces-Raid-Hospitals-in-Kashmir; https://www.amnesty.org.uk/press-releases/jammu-and-kashmir-attacks-hospitals-and-medics-must-be-prosecuted

did, respond comprehensively. Hence the numbers below are only a fraction of the full scale of the attacks. 31 ambulances were attacked in Anantnag, but no details were given about the identity of the attackers or health workers attacked. Ganderbal responded saying 2 ambulances were attacked. 6 ambulances were attacked in Kupwara. The identity of the attackers is ambiguous as the data reveals that the attackers were "unknown mobs". Srinagar, the summer capital of the state, did not provide any information.

Treatment of injured patients

Restrictions related to the curfew also meant that it was often hard for people to access necessary medicines, to treat sick or injured family members.[124] Difficulties in accessing medication increased their risk of ill health and this, combined with the barriers in accessing health care in hospital, is inconsistent with the right to health enshrined in the Constitution adopted by the World Health Organization (WHO) in 1946[125]. There were also several allegations of injured people in hospitals or ambulances being beaten up and harassed by the security forces.

Police presence in hospitals has also led to allegations that police often got particulars from injured persons, and filed charges against them while they were in hospital, assuming that their injury suggested they were involved in protests.[126] This concern was also echoed in the report on this issue by *Physicians for Human Rights*, which added that this practice had a deleterious impact on the health of people, because "Doctors said a large number of patients, especially boys and young men between the ages of 16 and 24, refused to give their names or identifying information, making it difficult to keep their medical records and to contact patients for follow up treatment".[127] Many registered under false names.

[124] http://m.greaterkashmir.com/news/business/story/223363.html

[125] https://www.who.int/about/who-we-are/constitution

[126] https://thewire.in/52403/kashmir-ambulance-police-crpf/

[127] Page 16, https://s3.amazonaws.com/PHR_Reports/Kashmir-Report-Dec-2016.pdf

IX

Militarization and Attacks on Students and Schools

Reports in August suggested that security forces had moved into government schools and buildings, which included S P Higher Secondary School Srinagar, two schools in Nishat, Girls High School Kral Khud, Kothibagh Higher Secondary School both boys and girls, a school in Pantha Chowk, one school in Mahraj Gunj, one School in Safakadal, one school in Karan Nagar, one school in Lal Bazar, one school in Rainawari, Girls Higher Secondary School Rajbagh, one school in Police Lines School Bemina, one school in Chanapora, and one school in Nowgam.[128] APDP tried to get official and accurate information on the number of schools vandalized and occupied by security forces during this period, by filing right to information applications with the Public information Officer, Directorate of School Education at different districts. However, APDP received no response at the time of writing this report. First appeals were also filed, but with no response.

As a result of the violence during the protests as well as the use of pellet guns, several children and young adults have been injured and suffer from permanent disabilities. For example, children have suffered blindings and eye injuries as a result of pellet guns, and this will permanently impact their ability to access education. Furthermore, the fact many children need continuous doctor visits because of these injuries also has a negative impact on the possibilities of their continued education.

Reports also suggested that some schools had suffered damage: e.g. a report by the *Times of India* said that as of November, 27 schools had been damaged because they had been set on fire.[129]Another report confirmed that 4000 children had their schooling affected for these reasons, and there had

[128] http://kashmirlife.net/day46-as-bsf-enters-militarization-of-kashmir-schools-begins-115636/

[129]http://economictimes.indiatimes.com/news/politics-and-nation/education-is-badly-hit-in-the-current-wave-of-unrest-in-kashmir/articleshow/55253758.cms; See also - https://www.nytimes.com/2016/10/29/world/asia/unrest-in-kashmir-claims-new-casualties-schools.html

been at least $750,000 worth of damage.[130] Analysts explain that these schools were set on fire because of the decision by the government to hold 10th and 12th standard exams in November despite the curfew. Around the same time, schools were also being used by Indian security forces for their operations.[131]

In this period, the school sector has also suffered losses, which will impact future developmental plans. An official told *Greater Kashmir* that "Construction of 39 girls hostel in Kashmir was a major component under RMSA while as other projects which were to be executed in 2016 came to halt given the uprising in Kashmir".[132]

Access to education for children during curfew

The most debilitating impact of the curfew on the right to education was that schools remained closed during curfews. Schools remained shut for over 3 months in this period, and examinations had to be postponed.[133]In a report tabled in the legislative assembly, the government stated that 10th and 12th standard students could only complete between 40% and 50% of their syllabus in this period.[134]

[130] http://www.aljazeera.com/indepth/features/2016/11/burning-kashmir-schools-161102102009566.html

[131] http://www.greaterkashmir.com/news/kashmir/story/232989.html

[132] http://www.greaterkashmir.com/news/kashmir/story/232989.html

[133] http://economictimes.indiatimes.com/news/politics-and-nation/education-is-badly-hit-in-the-current-wave-of-unrest-in-kashmir/articleshow/55253758.cms

[134] http://www.greaterkashmir.com/news/front-page/uprising-cost-kashmir-rs-16000-cr-government/238389.html

X

Relevant Legal Frameworks

The following legal frameworks appear relevant to the context of the use of pellet-firing shotguns, as well as death and injuries during the 2016 uprising. There may be other relevant frameworks. APDP has referenced these frameworks as immediately relevant to the concerns of the pellet-injured victims.

Unnecessary and Excessive Use of Force

The ICCPR and other international human rights instruments recognize that all persons have the right to life. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are a relevant guiding instrument in how security forces must use force given the obligation to respect the right to life. As per these principles: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result".[135] And where the lawful use of force and firearms is unavoidable, the UN principles state that officials must "*Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved*",[136] "*Minimize damage and injury*",[137] and "*Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment*".[138]

The UN Principles recognize that all persons have the right to participate in lawful and peaceful assemblies. According to the Principles, "In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary". And "In the dispersal of violent assemblies,

[135] principle 4
[136] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
[137] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
[138] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary."

The UN Principles prescribe a much higher threshold that needs to be met for the use of firearms. More specifically: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life".

The UN Principles also state that "The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled". Finally, as per the UN Principles, where there has been injury or death caused by the use of force or fire-arms by law enforcement, the incident must be immediately reported and reviewed. Article 3 of the Code of Conduct for Law Enforcement Officials states that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".[139]

On the use of force in the context of assemblies more specifically, two UN special rapporteurs have recommended that force shall not be used unless it is strictly unavoidable, and if applied it must be done in accordance with international human rights law. On weapons considered "less lethal", they noted: Less-lethal weapons must be subject to independent scientific testing and approval, and used responsibly by well-trained law enforcement officials, as such weapons may have lethal or injurious effects if not used correctly or in compliance with international law and human rights standards. States should

139 http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx

work to establish and implement international protocols for the training on and use of less-lethal weapons. [140]

Right to Health

According to Article 12 of the International Covenant on Economic, Social and Cultural Rights, all States Parties must recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Special Rapporteur on the highest attainable standard of health has said that states must always make available essential and minimum levels of health facilities, goods and services, even though this may be difficult in conflicts due to resource constraints or security reasons.[141] While discussion physical barriers to access to health, the Special Rapporteur notes that "Obstacles such as forcible detours, arbitrary stops at checkpoints, imposition of travel permits, and interrogation of patients result in worsening medical conditions of patients. Other measures such as blockades, long or indeterminate curfews and roadblocks also restrict movement of people and transport, thereby negatively effecting access to and delivery of essential health-care services in conflict-affected areas".[142] Furthermore, his report notes that attacks on health professionals and health care facilities not only violate the right to health, but also weaken the health system as a whole, because health care professionals may flee the context worsening health outcomes for the population.[143] More specifically, the Special Rapporteur has recommended that states should: (i) ensure the availability, accessibility and acceptability of quality health facilities, goods and services to all people involved in and/or affected by conflict, without discrimination. Particular attention should be given to vulnerable group; and (ii) abstain from attacking health facilities, goods, services and workers.

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[140] Para 55, joint SR report, Feb 2016

[141] https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/422/97/PDF/N1342297.pdf?OpenElement – page 6

[142] https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/422/97/PDF/N1342297.pdf?OpenElement – para 28

[143] https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/422/97/PDF/N1342297.pdf?OpenElement- para 29

Restrictions related to the curfew also meant that it was often hard for people to access necessary medicines, to treat sick or injured family members.[144] Difficulties in accessing medication increased their risk of ill health and this, combined with the barriers in accessing health care in hospital, is inconsistent with the right to health. There were also several allegations of injured people in hospitals or ambulances being beaten up and harassed by security forces.

The UN Convention Against Torture (CAT)

Sarojini Nadimapally, a public health researcher elaborates that "intentional use of pellets despite evidence of harm amounts to torture." She states that "even though India has not ratified the UN Convention against Torture, as a signatory to it pellet gun usage can be qualified as torture. The International Covenant on Civil and Political Rights in its Article 7 states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Accordingly, pellet gun usage is a gross violation of human rights including the rights related to life, personal freedom, livelihood and work, which are all severely curtailed. It is indefensible on the part of the government that it continues to endorse the use of pellet guns."[145]

The Problem of Impunity and the Lack of a Right to Remedy

International Legal framework

All states have an obligation under international human rights law to provide effective remedies for violations of human rights, to investigate these violations, to bring perpetrators of human rights violations to justice, and to provide reparation to victims and survivors. This obligation is reflected in almost all international human rights treaties, including those ratified by the Indian government. For example, article 3 of the ICCPR states:

146

[144] http://m.greaterkashmir.com/news/business/story/223363.html
[145]https://thewire.in/health/pellet-guns-kashmir-public-health
146 ALSO TRUE OF OTHER INSTRUMENTS – ADD DETAIL

"Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted".

This is also supported by several important guiding principles and declarations. For example, the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power states that "Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms".

147

Similarly, the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ["Basic Principles"] says that the obligation to respect and implement international human rights law includes the duty to "Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law", "Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation" and "provide effective remedies to victims, including reparation, as described below". Adequate, effective and prompt

147 See principle 5, http://www.un.org/documents/ga/res/40/a40r034.htm

reparation can include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

148149

The Updated Set of principles for the protection and promotion of human rights through action to combat impunity also reaffirm these standards. Principle 4 states 150"Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victims' fate". Principle 29 speaks of military courts specifically, saying "The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalized criminal court".

Laws and structures that promote impunity

A culture of impunity and lack of accountability for human rights violations is a structural problem in Kashmir. This has been the case for several years despite brave and consistent campaigning by human rights groups and activists, who have demanded investigations and justice for the gross human rights violations that have been committed. The following section will outline egregious examples of such uninvestigated violations. This historical background is crucial as demands are made for accountability and justice for the egregious human rights violations committed during the 2016 Uprising.

148 See article 3, http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx

149 See part IX, 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

150 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G05/109/00/PDF/G0510900.pdf?OpenElement

Part of the problem is the refusal of state actors, including the police and armed forces, to investigate and bring to justice those involved in human rights violations. Simultaneously, however, it is important to note that the legal structures in place also condone such impunity and make it harder for victims and survivors of human rights violations to access justice.

The most prominent example of such a legal structure is the Armed Forces Special Powers Act, which has been in force in Kashmir since 1990. This legislation provides vague and over-broad powers to security forces, which enable the violation of people's right to life, and also facilitate other human rights violations, including torture, rape, extrajudicial executions and enforced disappearances. This report discusses the legal provisions and impact of the AFSPA in more detail in Chapter 1.

Alongside the AFSPA, several other draconian laws are in place in Kashmir, which entrench this impunity and lack of accountability. The Public Safety Act, which allows for administrative detention without charge or trial for up to two years in some instances, is an example of such a law, and is discussed in more detail in a previous chapter. Other key laws of this nature include the Jammu & Kashmir Disturbed Areas Act 1990, the Unlawful Activities (Prevention) Act, and the National Security Act.

This report will discus two specific features of these, and other laws (such as the Code of Criminal Procedure and Penal Code), which have operated as barriers to justice, and have supported the prevalent culture of impunity.

Sanction provisions

First –several laws require "sanction" from the state or central government before a court can take cognizance of a criminal matter involving an allegation against a State official, public servant, member of the Armed Forces or police,

or member of the judiciary. Take for example section 197 of the Code of Criminal Procedure, which states –

(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction.

(2) No Court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union…except with the previous sanction of the Central Government

Similar provisions are also contained in other laws. Take for example, section 7 of the AFSPA –

No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act

Similarly, Section 22 of the Jammu and Kashmir Public Safety Act, 1978 provides a complete bar on criminal, civil or "any other legal proceedings...against any person for anything done or intended to be done in good faith in pursuance of the provisions of this Act."

The requirement of sanction is problematic for several reasons when it comes to accessing justice, and effective provides immunity to police and security forces involved in human rights violations. Sanction is rarely, if ever granted under these provisions. If and when it is granted, the process is time consuming and non-transparent, adding to the time taken for cases to be investigated and prosecuted, and creating further barriers to justice.

For example, in a report on this issue released by Amnesty International in 2015 found that "To date, not a single member of the security forces deployed in Jammu and Kashmir over the past 25 years has been tried for alleged

human rights violations in a civilian court".[151]This report noted that in response to an application filed under the Right to Information Act, 2005 by activists in J&K, the Ministry of Defense responded saying it had received 44 applications seeking sanction to prosecute army personnel for offences committed in Jammu and Kashmir since 1990. It said sanction had been denied in 35 cases, 9 were pending consideration, and the remaining had been subject to a court martial.

Furthermore, the figure of 44 should raise the first set of questions, since (as this report will demonstrate in the following section) there have been a huge number of allegations of uninvestigated human rights abuses by army personnel in Kashmir since 1990. That only 44 complaints were filed indicates the scale of impunity. Equally crucial is the fact that these numbers do not tally with numbers released by the Jammu and Kashmir State Home Department. According to data obtained by JKCCS, 46 sanction applications had been sent to the Ministry of Defence. In 2008, the Ministry of Defense stated that it did not know where 27 of these applications were.[152]

Courts Martial

The second crucial issue around impunity and accountability in Kashmir is the fact that under the Army Act, many allegations of human rights violations are investigated are prosecuted in military courts instead of civilian courts. While section 70 of the Army Act allows for some offences committed by army personnel to be tried in civilian courts, section 125 allows the army to make the decision about which jurisdiction the trial should take palce in, in almost all cases.

Section 125 reads as follows: *It shall be in the discretion of the officer commanding the army…in which the accused person is serving or such other officer as may be prescribed to decide before which court the proceedings shall be instituted, and, if that officer decides that they should be instituted*

[151] file:///Users/sanhitaambast/Downloads/ASA2018742015ENGLISH.PDF

[152] Amnesty report, DENIED, page 28

before a court-martial, to direct that the accused person shall be detained in military custody. This principle was affirmed by the Supreme Court in the case of *General Officer Commanding v CBI and Anr* in 2012.[153]As a result, several cases involving human rights violations are decided on in Court Martials, in stead of through the ordinary criminal procedure process.

Under international human rights law, military tribunals should not be allowed to try gross human rights violations or crimes under international law.[154] Amongst the key concerns are lack of transparency and participation from the victims and their families, and the impartiality of the process. To quote from the Amnesty International report on this issue "There exist serious concerns about the independence and competence of military courts in India, ranging from whether the officers appointed to serve as members, and essentially judges, of a court-martial have appropriate training or qualification in law, to whether in exercising their duties as judges, they are subordinate to, or independent of their superiors. Further concerns include the lack of sufficient legal aid counsel to the accused, the lack of an independent appellate tribunal, and trial by summary forms of court-martial that fail to meet international standards of justice".[155] On the same issue, Human Rights Watch stated that "In general, military courts in India have proved incompetent in dealing with cases of serious human rights abuses and have functioned instead to cover up evidence and protect the officers involved".[156]

Lack of remedy for past human rights violations

The culture of impunity described in the paragraphs above has a long and troubling history. Both sides to the conflict in Kashmir, the Indian government and the armed opposition, have perpetrated a range of human rights violations, including torture, rape, enforced disappearances, and extra judicial

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[153] General Officer Comanding v CBI and Anr. [2012] 5 S.C.R. 599.

[154] Diane Orentlicher, *Report of the Independent expert to update the set of principles to combat impunity*, UN Doc. E/CN.4/2005/102/Add.1, 8 February 2006; Emmanuel Decaux, *Administration of Justice, Rule of Law and Democracy: Issue of the administration of justice through military tribunals*, UN Doc. E/CN.4/Sub.2/2004/7, 14 June 2004,.

[155] Amnesty report, DENIED, page 48

[156] https://www.hrw.org/sites/default/files/reports/INDIA935.PDF

executions, over the past decades. Civilians have suffered and there has been little accountability or remedy for any of these violations. Government statistics suggest that over 39,000 people have been killed from 1990 to 2011.[157] Previously, the government had placed this figure at 47,000, but has since revised it.[158] Other non-governmental figures, place the count as closer to 100,000 deaths.[159] Furthermore, there have been allegations of over 8000 – 10000 enforced disappearances, and over 7000 unmarked and mass graves have been discovered.[160]There has been little to no accountability for any of these violations.

For example, in 1991, soldiers from the Indian army allegedly raped between 23 and 100 women in the villages of Kunan and Poshpora. Despite the outcry and demands for accountability, the army dismissed the allegations as baseless and did not investigate or prosecute any personnel for the incident and crimes committed. Since then, the J&K State Human Rights Commission has confirmed that the rapes happened, and the High Court has also ordered that the survivors be paid compensation.[161] However, no individuals have been investigated or prosecuted. Human Rights Watch published a critique of the investigation into this incident around the time it happened, stating "The incident provides a telling example of the government's failure to ensure that charges of human rights violations committed by members of its armed forces are properly investigated and those responsible held to account".[162]

A similar notorious example of impunity is the Pathribal fake encounter case, when army personnel were accused of killing five innocent young men in 2000. The army claimed that the persons killed were militants involved in a recent attack, however, a CBI investigation also supported the accusation that the

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[157] http://pib.nic.in/newsite/erelease.aspx?relid=74325.

[158] See http://in.reuters.com/article/2008/11/21/idINIndia-36624520081121.

[159] http://in.reuters.com/article/2008/11/21/idINIndia-36624520081121

[160] file:///Users/sanhitaambast/Downloads/JS45_UPR27_IND_E_CoverPage.pdf

[161] http://www.thehindu.com/opinion/op-ed/unravelling-a-mass-rape/article4892195.ece; https://thewire.in/111344/26-years-after-kunan-poshpora-army-still-enjoys-immunity-for-sexual-violence/

[162] https://www.hrw.org/sites/default/files/reports/INDIA935.PDF

people killed were innocent and that this was a fake encounter. In 2012, the Supreme Court relied on the provisions of the Army Act mentioned above, and gave the Army the power to investigate this case through a court martial.[163] In 2014, a military court exonerated all those accused, and closed the case.[164] This means that despite evidence to the contrary from the CBI, no one has been held to account for these killings from 2000.

These two cases are only examples of the several cases of human rights violations that have gone uninvestigated and unpunished in Kashmir in the past decades. The events of the 2016 uprising must be viewed in this continuum of impunity. Given the serious gaps in accountability, there is an urgent need to ensure that the violations of human rights, attacks and injuries are investigated, and those who have perpetrated these abuses are brought to justice.

[163] http://www.ndtv.com/india-news/pathribal-case-supreme-court-asks-army-to-decide-how-to-try-personnel-involved-in-fake-encounters-479767

[164] http://timesofindia.indiatimes.com/india/Army-closes-Pathribal-fake-encounter-case/articleshow/29282760.cms; http://www.thehindu.com/news/national/other-states/army-gives-itself-clean-chit-in-pathribal-case/article5613278.ece

XI Narratives & Testimonies from Pellet Gun Victims

The testimonies and narratives of pellet victims in the earlier section provide only a glimpse of the painful experience that pellet victims have had to face in the Kashmir valley since the summer of 2016. This section highlights some of the patterns observed within the testimonies that add to our understanding of Indian response to the uprising and the issues faced by pellet victims.

Firstly, from the testimonies presented, it becomes clear that it is mostly young people who are targeted. While this may be due to higher youth participation in the uprising and can be seen as an indicator of the youth's sentiment towards the Indian state, it is shocking to see that even children as young as 13 have been hit by pellet victims (See testimony #9). This has continued to happen despite outrage by several Human Rights Organizations and has been highlighted by media platforms[165]. In fact, 20 out of the 23 testimonies presented in this report are of pellet victims aged between 13-25.

Secondly, it is crucial to note that a majority of the pellet victims come from impoverished or economically marginalized families. Accessing healthcare and treatment becomes difficult in such cases, and almost impossible wherein the injured are required to travel outside Kashmir valley. For people living in the villages, even transport to the capital city, to go to speciality hospitals is difficult. Especially, during curfew time when public transport is not available. Victims have had to choose not to get the treatment done for the sake of their family. Further, the state has no provisions for providing medical or financial support for pellet victims adding to the woes of those injured.

Thirdly, the economic hardship coupled with an enforced physical disability seems to manifest itself in a feeling of helpless and anger in the pellet victims, directed towards the state security forces and the state. This is worrying in the

[165] https://www.theguardian.com/world/2016/nov/08/india-crackdown-in-kashmir-is-this-worlds-first-mass-blinding, https://www.aljazeera.com/indepth/features/kashmir-youngest-pellet-gun-victim-lose-complete-sight-181206223840348.html

context of the mental health of the pellet victims in a state that already has a large population with mental health issues. A report by MSF showed that over 45% of the adults in Kashmir showed symptoms of mental illness[166]. Women are worse affected than men and it remains to see the impact on children as research has not been conducted on the mental health conditions of children in Kashmir yet though there have been reports that claim that the number of children suffering from mental health issues has doubled between 2016-2019[167]. The hopelessness displayed by the victims towards the state is horrific, to say the least.

Lastly, the main purpose of these testimonies has been to highlight the human cost of the "non-lethal crowd control measures". Multiple organizations in Kashmir and internationally have worked to collect data on how many people have been impacted, how many were blinded and how the use of pellet guns has regardless, continued. A number of people interviewed have expressed their concern and called for a complete ban on the use of pellet guns, wishing that no other person has to deal with the same ordeal they are forced to undergo at any cost, speaking volumes about how this apparently "non-lethal" weapon has completely transformed lives, rendering people unemployed and impoverished in a helpless state.

These 23 testimonies/narratives have been collected between September 2016 and October 2018.

1. Name: Faizan Ahmad Shergojri
Age: 17 years (in 2016)
Resident: Kulgam, Anantnag
Nature of Injury: Damage to Right Eye

Narrative:

[166] http://www.indiaenvironmentportal.org.in/content/441405/kashmir-mental-health-survey/.
[167] https://www.telegraph.co.uk/global-health/climate-and-people/kashmir-conflict-stigma-creating-mental-heath-crisis/

Faizan was a student in Class 11 at the time of the interview. He has three brothers and three sisters. His father is the main provider in his family, and their household monthly income is INR 4000 (about 56 USD). They fall within the "Below Poverty Line" category. Faizan attended a protest for the first time in August 2016. He had never attended a protest before: "I protested against the Indian rule in Kashmir to further our collective dream for self determination and freedom", he told APDP. He was part of a peaceful demonstration at a bypass at the National Highway Wanpoh, at around 11 a.m. Faizan told APDP, that "to prevent us from participating in this peaceful demonstration, security forces (police, Indian Army and Special Task Force) used tear gas shells, pellet-firing shotguns to disperse the crowd, without any provocation." The tear gas shells and pellets injured many protestors. He saw some protesters responded by throwing stones at the security forces.

Faizan's right eye was hit by pellets and he was rushed to a near-by primary health center in Qaimoh. Later, he was referred to SMHS, Srinagar, which is a specialty hospital where leading surgeons operated twice on Faizan, but they were unable to restore sight to his right eye. He was discharged after 7 days. His family was advised by doctors to bring Faizan to the hospital once a week for routine check-ups.

Faizan's family has been bringing him to the hospital once a week, which involved great financial cost. His father, Jalal-ud-Din told APDP: "This has drained our financial resources and has put me in debt. This incident has turned me into a beggar, as I have to beg before my relatives and neighbors. Moreover, we must arrange vehicle for which we are charged hefty sum for routine checkup. Due to prolonged curfew and shutdowns, I have not been able to get enough work to sustain my family and now my son's treatment has added to my miseries. This is the toughest period of struggle that I have witnessed in my life for fulfilling basic needs of my family". Faizan's condition has also left him frustrated and in pain. He is unable to focus on school, and his family is worried this will impact his long-term career and life prospects.

2. Name: Suhail Ahmad Badder

Age: 17 years (in 2016)

Resident: Wanpoh, Kulgam

Nature of Injury: Damage to right eye

Narrative:

Suhail Ahmad Badder was studying in Class 10 at the time of the interview. Suhail attended his first protest on 19 September 2016. He along with several others had assembled at the village centre at 2:00 pm. After a while, security forces (Special Task Force, Police, and the CRPF), arrived and began to disburse the protestors. Suhail saw members of the crowd begin to throw stones at the police in response, following which the police began to fire from their pellet shotguns. "During this scuffle between us and security forces, many persons were injured and my right eye was also hit with pellets. I subsequently became unconscious and I don't know what happened thereafter," Suhail told the APDP.

Suhail was rushed to a primary health center in Qaimoh, and then transferred in an ambulance to SMHS, Srinagar. His right eye was operated on thrice. 10 days after he was discharged, Suhail told his family that he couldn't see well with his right eye, which had been injured. His family took him to doctors in Chandigarh for treatment, but they suggested he go for routine appointments at SMHS. "To visit SMHS for checkups in these days is not easy, there is always a fear of reprisal and harassment from the state. It also becomes difficult to arrange a vehicle for checkup keeping in view the prevailing circumstances in the valley", Suhail's father, Mohammad Shafi, told APDP. However, Suhail and his family have been going to SMHS for weekly checkups.

Suhail's family is concerned for his future, and whether he will ever be able to see properly again. "My son is also a brilliant student and this eye injury has left me frustrated and disturbed trying to grapple with the fact that he might have to live with this disability for life ... His future will be in darkness, as he will not be able to concentrate on his studies. The incident has shattered the whole life of my son," Mohammad Shafi told APDP.

3.

Name: Aijaz Ahmad Mir

Age: 17 years (in 2016)

Resident: Bahrampora, Sopore

Nature of Injury: Blinded in Right Eye

Narrative:

Aijaz Ahmad Mir was a 17-year old boy, studying in Class 10 at the time of the interview. He lives with his parents: his mother is a homemaker and his father lives with a disability, and is therefore unable to work. His siblings are married, and do not live with him or his parents. Aijaz also worked part-time, in addition to his school work and was the sole bread earner for himself and his parents.

On 15 July 2016, Aijaz went to his orchard with a friend to harvest fruits. On his way back from lunch, he and his friend passed a peaceful demonstration at Seloo, Sopore. A demonstration was also forming in his village: Bahrampora. Aijaz saw 3 vehicles comprising STF, police and CRPF arrive. "Before we could even realize what was happening there, SOG targeted us with pellets. All the pellets hit me above my waist – chest and right eye. My friend managed to run away in time, but he was also hit with pellets in his back" Aijaz told APDP. Aijaz was not a part of the peaceful demonstration.

Aijaz was taken to District Hospital, Baramulla and then referred to SMHS in Srinagar. He required a blood transfusion and was discharged after being treated for three months. However, Aijaz still cannot see from his right eye, and has to make weekly follow up trips to SMHS. "For my treatment, my father took loan from his friends and relatives to the extent of Rs. 20,000. Since that day, the debtors keep coming to our home asking for the money," he said. "There has been a decline in our family income as I cannot do any work now because of this injury. Even the doctor has advised me not to do any work. This is something I will have to live with for the rest of my life and as yet I have not been able to come in terms with it. This has caused my parents and me a lot of stress and frustration. My father says why did not I die then and there, and now what can he do now give his handicap."

10 days after his discharge, the Indian security forces raided Aijaz's village, came to his home and vandalized it. They also vandalized other houses in his neighborhood. They opened fire and used pellet guns, tear gas canisters and sound bombs to intimidate the villagers. The village incurred an estimated 12 lakhs in damages in a single day.

4.

Name: Khursheed Ahmad Lone
Age: 28 years (2016)
Resident: Wanpoh, Kulgam
Nature of Injury: Damage to Left Eye

Narrative:

Khursheed was a labourer at the time of this interview. His father looks after some land owned by his family. Income from this land and Khursheed's employment sustain their family and amounts to a monthly income of INR 8000-9000. Khursheed protested for the first time in August 2016. He responded to a call for peaceful protest by the Hurriyat[168] to be organized at the bypass of the National Highway Wanpoh at 11 am. Other people were assembling at the location as well. "To prevent us from participating in this peaceful demonstration, security forces (police, Indian Army and Special Task Force) used tear gas shells, pellet guns to disperse the crowd, without any provocation," Khursheed said. In response, he saw protestors started throwing stones at the forces.

Soon after, pellets hit Khursheed's right eye and he was rushed to a Primary Health Centre at Qaimoh. He was later taken to SMHS Srinagar for treatment. where he was operated on before being taken to Amritsar in Punjab for further treatment. His condition, however, has not improved. His disability has impacted his ability to support his family, and contributed to their financial distress. "Being a sole bread earner for the family, this injury caused to him

[168] The Hurriyat ("Democracy") Conference is a coalition of pro-independence Kashmiri political parties.

has not only put a strain on our family income but his treatment has cost us a fortune and has put us in debt," his father, Abdul Salam Lone, told APDP.

5.

Name: Javed Ahmad Hajam
Age: 20 years (in 2016)
Resident: Kulgam
Nature of Injury: Damage to Left Eye

Narrative:
Javed worked as a barber in Kulgam. Javed protested for the first time in September 2016 while responding to a call for peaceful protest by the Hurriyat. He, and several others, assembled at a near-by mosque at 2:00 pm. This is also a time when many people offered prayers at the mosque. "As people were gathering, security came in and started unprovoked firing of pellets on the crowd, to which the crowd retaliated by pelting stones," Javed told APDP. Amidst this, Javed was hit by pellets in the left eye. He was first taken to a Primary Health Centre in Bogam before transferred to a district hospital in Kulgam and then finally, to SMHS. He was admitted there, had two eye surgeries, and was discharged after 7 days.

Javed's treatment is on-going, and he has had to visit SMHS regularly. "It is very difficult for us to negotiate such long distances which does not only exhaust us physically but also drains us financially. Due to restrictions on public transport, it also becomes quite difficult for us to commute from our village amidst prevailing circumstances," he told APDP. "We were at home for the last three months due to a prolonged curfew, which had a bearing on our income as we did not have any earning. After this eye injury, there has been a further decline in our family income, as I cannot do the work I used to".

6.

Name: Mudasir Ahmed Malla
Age: 16 Years (in 2018)
Resident of: Dangarpora, PatanBaramula.
Nature of Injury: Right eye blinded.

Testimony:

My name is Mudasir Ahmed Malla. I live in a small village, Dangarpora, in Patan Tehsil of Baramula district. I was hit with pellets in my right eye and lost the eye sight.

On 2 September 2016 I had gone to the Friday prayers to a nearby village, Kalsarayi. On the way back from the Masjid I noticed, the people protesting peacefully on a road of my village against the killings of fellow Kashmiris at the hands of the Indian forces.

The police came and resorted to violence, beating people, and firing pellets and tear gas shells at the protestors. As I was coming out of the Masjid, I crossed the road. The Indian forces, with pellet guns aimed directly at the people. Multiple pellets entered my body, mostly on my right arm and hand, while four pellets hit me on my right eye. When the pellets hit me, I was temporarily blind; I could not see anything at all. And then I fell to the ground. I heard pellet and tear gas shell fire shots. They were still going on.

Some local men and boys picked me up from the spot. I was immediately rushed to the local hospital where I was provided with first aid. Later I was rushed to JVC (Jhelum Valley College) hospital, Srinagar and eventually to SMHS (Shri Maharaja Hari Singh) hospital, Srinagar. I was operated upon in SMHS, but to no avail. The doctors also told me that they don't have the necessary equipment or facilities to treat me in SMHS.

In order to get back my sight, I was taken to Soan Singh Hospital, Amritsar (Punjab) by my family but that also led to no relief. I am now completely blind in one eye. My father is a poor daily wage laborer and whatever he had saved for my education was spent on my eye; Rs.300000 thousand in total. I didn't get any help from anyone else. I am guilty about it. More than that, my dreams were shattered. I wanted to become an engineer.

But now, neither do I have money to study more and nor can I read. I find it difficult to look at the books. After losing my right eyesight, I also began to

suffer from other ailments. I get terrible headaches, so terrible, as if there are thousands of pellets in my head. Besides these ailments, I often feel nausea. I have horrible nightmares wherein I see that I am always in the middle of somewhere, being hit with the pellets continuously. It is too painful to come to the terms that I have lost my eyesight. I cannot go to school on my own, I need an attendant. My life has changed. Earlier I had thought of so many things, like doing great things in my life, to become a great engineer. But now all that seems a distant reality. All of it now seems just a dream which I cannot realize now. I hate to meet people. I hate noise. I hate everything now. I don't want to go to the school. I feel helpless. I have no hope of justice. I think that those who blinded me will not be punished. Instead they will be rewarded. This is how the government works here.

7.

Name: Ulfat Hameed Parray
Age: 17 Years (2017)
Resident of: Andargam, PatanBaramula.
Nature of Injury: Left eye damaged completely due to pellets and right eye partially blinded.

Testimony:

My name is Ulfat Hameed. I live in a small village named Andargam, in Patan Tehsil of District Baramulla.

On 1 October, 2016, I was inside my home. At around noon, I heard some noise all of a sudden, followed by gun shots. The STF and CRPF had entered our village and were on a rampage. They were beating whosoever came in their way. And they were detaining people and taking them to the local police station. However, the locals came out to protest and the Indian forces in retaliation fired tear gas shells and bullets at the protestors.

I came out of home and was standing at the gate of my house. The STF and the CRPF men were vandalizing the property. They came nearer to our house, barged into it, and started beating everyone. I ran inside, followed by a STF man who pinned me to the ground with the stock of his Rifle. And then, he

aimed the pellet shotgun at me. I tried to run but an array of pellets hit me all over my face. I cried and wailed in pain. I struggled to see anything, and blood splashed all over my face. At that moment, I covered my face with my hands, battling my way either out of the courtyard or to go inside the house. I fell to the ground.

As the CRPF and the STF left, I was taken by my father and the neighbors to the district hospital Patan and was given first aid. Later, I was shifted to SMHS, where I was operated upon. I had around four to five pellets in my left eye and the doctors despite trying hard couldn't treat it. After some time, I realized that there has been damage to my right eye too. I struggled to see even with my right eye. I cannot look further than 1 meter. The images that I see look blurred and unclear.

My father is a daily wage laborer and it was difficult to feed the entire family on a single income. I have two sisters, younger to me and in order to help my father, I decided to take up a part time job as a tailor, before being blinded. I used to earn around Rs. 9000 a month and was lending a helping hand to my family. I had dreams, I wanted to provide every opportunity to my sisters which I didn't get: to give them better education. And all the money that I had saved for the education of my sisters and needs of the family has been spent on the treatment eye. We spent around Rs.250000 thousand on the treatment.

My father has only daughters and no son. He always wanted a son so as he would be able to lend a helping hand in running the family. I wanted to be that "son" of my father. I am a student of class 10 and was managing studies besides working. I wanted to study more, and become a teacher, later in my life. But that dream will now remain a distant dream, which I cannot fulfill. I am unable to study or work after the blinding. When I try to study, my eyes hurt. I am not able to concentrate. I cannot walk on my own; I need an assistant to help me to walk. I have become dependent and feel that I cannot do anything in life now. I often get nightmares. I wake up in the middle of the night and feel my head spinning. It is so scary; life has gotten scary. I want to weep at my condition but now I don't have tears anymore and I am ashamed of crying. I curse the day I was born. I should have died. I wish many times that I die or a

bullet had hit me and killed me instead of getting blind. My world is dark and full of horror and I am a living dead.

8.

Name: Imtiaz Ahmed Sofi
Age: 18 Years (2017)
Resident of: Tarzoo, Sopore.
Nature of Injury: Left eye damaged completely due to pellets and right eye partially blinded.

Testimony:
My name is Imtiaz Ahmed Sofi. I am an automobile mechanic. I live in a village Tarzoo of Tehsil Sopore; district Baramula, 7 Km from main town Sopore.

On 13 September, I was walking down a road in Sopore town. I had gone to meet a friend who lives there. Along my path, I noticed there was a huge procession of people; they were shouting slogans and were peacefully protesting against the killings of the fellow Kashmiris. At some spots, the state Police and CRPF were engaged in stone pelting battles with the youth, and were also firing tear gas shells at the youth.

The police and CRPF action too intensified as the protests continued and they fired more and more shells. The people remained adamant and suddenly the police charged and the people ran away. In this chaos, I too ran but as I was running, a group of JK police and CRPF, about 6 men, came after me but I managed to escape.

I managed to run for about 200 meters, but another group of security forces spotted me and immediately, from a distance of approximately 20 meters, they fired the pellet gun directly at me. The pellets hit me in both eyes ---my right was already blind, partially, in a bomb blast in 2003 at Sopore --- and I fell to the ground. Everything around me turned black and I fell unconscious on the ground.

Later, I had been taken to a local medical shop for first aid treatment. Subsequently, I was taken to SMHS, where I was admitted for 21 days, and where I was operated upon my eye five times, within the span of 21 days. I was also operated upon by the famous eye surgeon Dr. Natrajan but I could not get my eyesight back.

My life has changed a lot. Before this incident, I used to work in an auto-mobile workshop as a mechanic and used to make around Rs.13000 a month and used to feed my family, especially my parents who are also suffering from kidney ailments. I dreamt that I would have my own workshop someday and I had been saving money for it but now that dream has been shattered. I used to work with so much enthusiasm and I wanted to do great things in my life.

Poverty didn't allow me to study beyond 4th grade but I had no regrets;I thought by working hard I will do something in my life but now the pellets have disabled me. Right now I don't earn anything but I just sit at home and wondering at my fate and cursing the day I was born. I cannot see at a distance away two meters and that too I see in blur, as if I am inside a fog. In the night I get terrible headaches and I vomit a lot. It seems that the pellets are moving inside my head like ants. My will to do things has been shattered and I have become dependent on my family. It is painful to be dependent on someone, for doing your basic life works, even, like eating, washing and using the toilet. Most of the times I am sad and disheartened and feel that there is no point to live. I have often thought of committing suicide as my life is disturbed, but then the belief in God has made me not to do it. Amidst this despair I feel that something good will come out and I feel that God will help me with my life.

But I want to ask the state why did they ruin my life? What crime had I done? Why did they snatch my eyesight? And I pray that the hell I am going through, no one else should go through it. This all should stop. It is not human.

9.

Name: Omair Hameed Ganaie

Age: 13 Years (2017)

Resident of: Gousaiabad, Sopore.

Nature of Injury: Left eyes damaged totally and right eye partially, around 80% eye- sight gone.

Testimony:

I am Omair Ahmed. When I talk to you, I don't know who you are; I can only see your shadow like a blurred image. I live in Gousaiabad Sopore and I study in class 9th.

On 14 July I was accompanying my mother to the doctor as she was suffering from fever. On the way back near Sopore town, at Shalapora crossing, there was stone pelting going on between the youth and the CRPF. In order to be safe, we stopped by a shop, which was closed and were waiting for the stone pelting to end before we could go home.

Meanwhile, a CRPF soldier, whom I remember vividly, came towards us. We thought he won't harm us and we didn't run from where we were standing. In the meantime, he pointed his gun towards us. We began to run. He shot his pellet gun, aiming at us, I ducked and the pellet shell hit the shop shutter and from it bounced, spattering the pellets and the pellets hit me all over my body, mostly at my neck, eyes and the face.I fell to the ground and my mother began to wail and sob and she screamed for help. However, no one was there or no one dared to help; the CRPF were everywhere on the road.

After half an hour, the CRPF left the spot and my mother ran, holding me in her lap, and screaming for help. Help came in the form of a bike on which I was taken to the sub-district hospital in Sopore for first aid, from where I was referred to SMHS, Srinagar. I was operated upon the same day but they couldn't save the eye. In fact, there are some more pellets still inside my eye.

There were two more surgeries on the eye without any results. In addition, there is a danger that I might lose my other eye. To avoid further loss, the doctors told me that I have to go to Delhi for surgery, but I know my parents cannot afford it. My father is a daily wage laborer. All the savings we had were

spent on the treatment. My mother also sold her jewelry for my surgery but now there is no more of her jewelry left.

I think of my life a lot and day by day I am beginning to get completely blind. Initially I didn't tell my parents about my losing sight in the right eye. I didn't want them to be sad. Besides, they have done and suffered a lot for me. I wish I could cry. I wish I could tear apart my clothes and die. What is left in my life?

In the night, I get regular headaches and I hate to meet people. All my dreams have been shattered. I wanted to become a doctor and the realization that I may never become one is constantly gnawing me inside, like a pestering wound. I hate sitting with my parents, my siblings. I hate eating food. I just want to die now. What had I done to anyone that they blinded me? I have heard that pellets were meant for animals but were I an animal that they blinded me?

10.
Name: Mohammad Ramzan Khan
Age: 45 Years (2018)
Resident of: BangdaraKreeri, Baramula
Nature of Injury: Right eye damaged.

Testimony:
My name is Mohammad Ramzan. I live in a village named as Bangdara in district Baramula. I was hit with the pellets on 4th August. I lost my right eyesight completely.

On that fateful day, I was sitting on a shop front in my village, Bangdara. Suddenly, the state forces (CRPF and STF) cordoned our village and were beating up local people. They passed by the road I was sitting and started to chase people and beat us with batons. I ran, but in front of me, three CRPF personals aimed the pellet gun at me and shot pellets. The pellets hit my face, all over, and some of them hit my arms and body. I ran away and screamed

for help until a neighbor discovered me and took me to the local medical dispensary for the first aid.

Later, I was taken to the SMHS, Srinagar, for further treatment. The doctors removed the pellets from my right eye, but the doctors said that the pellets have damaged a lot but if you can go to some other hospital to Delhi or somewhere outside, it can be recovered. The hospital didn't have the necessary equipment for the advanced surgery that my eye needed. I could not go; I had no money and then gradually I lost complete eyesight in the right eye.

I was a daily wage laborer by profession before this incident. I used to earn INR 400 on a daily basis and feed my family with it. I have three daughters, of marriageable age, and I had saved some money for their marriage, some of which was spent on the treatment of the eye. And now I don't do any work, because I cannot do it due to my weak eyesight. In fact, I need assistance for walking. Someone has to lead me by hand to show me the way. I stumble if I walk alone and I cannot concentrate for two minutes with my left eye at anything. It is so painful, and I feel nauseous. In the night, when I go to bed, I get terrible headaches as if someone is pounding on my head with a hammer. Since I cannot earn even Rs. 10 a day, my family is on the verge of begging; we hardly manage to eat on a daily basis. I have no agricultural land.

I haven't slept properly since I was blinded; the thoughts of the marriages of my daughters are looming on my mind all the time. I don't know what will happen to me. All my plans for my life have been shattered. And I also have no hope that justice will be done to us. The state is too callous and indifferent.

11.
Name: MehrajUd Din Dar
Age: 24 years (2018)
Resident of: Sher Colony, Mohalla B, Sopore
Nature of Injury: Right eye damaged totally, no eye sight

Testimony:

On 15 August, I was returning from work (I had gone to work in an agriculture field), and was passing through a street in the town of Sopore. At the turn of the street, locally known as, GaddeKoche, the protestors were fighting a pitched battle with the forces. And the forces were firing tear gas shells and pellets at the protestors. I was there and was not part of the stone pelting; in fact I have never pelted stones. I ran from the stone pelting spot.

However, at another corner of the street, a group of CRPF men started to fire tear gas shell towards me. There were many other people there who began to run towards safety but in this chaos, a volley of pellets hit me on my face from an extremely close range. I put my hands on my face and ran away from the spot, without knowing where I was going; I was unable to see anything at all. I felt blood splashing all over my face.

Later, three to four local men took me to the hospital, where I was given first aid and was immediately referred to SMHS, Srinagar for further treatment. That evening, I was operated upon. After three days, there was another surgery. After that I passed through two more surgeries, on 23 August and 26 August respectively, one by the noted doctor Dr. Natrajan.

However, my eyesight was not saved and with that, my life changed. Before this incident, I was working as a daily wage laborer. I had a family of four to feed and I was working hard, day and night, to provide my kids everything they wanted, education and food and clothes. I wanted them to get educated. I had so many dreams. But now, since I was blinded, that seems a distant reality.

After the blindness, my life has been disturbed. I cannot walk properly and cannot even think of working again; I tried to work but was unable to do, since I cannot see properly and if I do work, I get nausea. In the night I cannot see anything. I wake up in my sleep after a recurring nightmare; I see someone gouging out my eyes and leaving me in the middle of nowhere. Besides, I feel nauseated and headaches when I venture out in the sun. And my legs and arms always feel tired after the incident.

12.

Name: Jahangir Ahmed Bhat

Age: 15 Years old (2018)

Resident of: Wussun-Palhalan, Baramula

Nature of Injury: Right eye damaged totally. 90% eye-sight gone.

Testimony:

It was Friday. I was ill. I had gone out to buy medicines from a medical shop. The medical shop was in another locality. I was in a bus, which some people had hired to go to a funeral of some relative.

The Indian forces stopped the bus at Palhalan Chowk. Since morning, people were out on the streets protesting Indian rule in Kashmir. We were ordered to board off from the bus. And as soon as we got out of the bus, the CRPF personnel began to beat us with batons. We dispersed and began to protest. But we didn't pelt stones, just raised slogans.

The CRPF men began to fire tear gas shells at us. In the meantime, many other locals, seeing us getting beaten, joined the protest. And then in this chaos, a CRPF man aimed his pellet gun at the crowd and shot pellets. A dozen pellets were showered on my face and three or four hit me in the right eye. I covered my face with the hands and ran.

Two or three locals took me to the Palhalan Medical centre for first aid. And later, I was shifted to Baramulla Hospital. They washed my eye and sent me to SMHS, Srinagar, for further treatment. I underwent a surgery in the eye and they removed the pellets. But my eye was beyond repair; the pellets had done the damage, and it is impossible to recover my eyesight.

And with that, a painful struggle began in my life. I wanted to study a lot and later become an entrepreneur. I wanted to establish my own business. Since my father is a daily wage laborer, hardly earning as much as is needed to eat, I had also been working as a tractor - driver with the aim to save money and study. I had many dreams and life seemed filled with possibilities. I was happy that I could fulfill my dreams. I was studying with utmost passion and used to

plan my life. But these plans, all my dreams, all my aspirations have been shattered. I have been disabled and dependent. My family has spent around INR 100000 on my eye besides the money I had saved for my education. After the incident, I have been suffering from various other ailments. I cannot hear properly: I hear muffled voices only and I cannot see sometimes even with my left eye. I get irritated and agitated very easily which has made my relations with people bitter.

More than this, what pains me is my mother and father's condition. I was meant to be their support in their old age, but instead I have become dependent on them. They had dreams about me, and I feel guilty that I failed them. Sometimes I think I shouldn't have been born here and I shouldn't have gone out that day. Other times, I am angry at the state.

I want that those who blinded me should be brought to justice and be punished for it. Not that it will satisfy me but at least it will send a message that blinding people, kids and women and young boys is wrong, and it will be punished. I wish the forces will learn a lesson through this punishment, so that no more Kashmiris have to go through the ordeal of what I am going through.

13.

Name: Khalid Yousuf Dar
Age: 23 Years old (2017)
Resident of: Nowpora, Sopore
Nature of Injury: Right eye damaged totally. 100% eyesight loss..
Testimony:

Almost every afternoon , I go to the local cricket field and watch the kids and youth play cricket. Cricket is the game that I have loved the most and this realization dawns upon me that I will never be able to play cricket again, and at that time I curse myself and my fate, and weep.

I was blinded on 5 August 2016. I was returning home after Friday prayers. There were protests in the Sopore town against the killings of the fellow Kashmiris at the hands of Indian forces. The protestors and the Indian forces

were fighting pitched stone pelting battles in the main chowk. The protestors were pelting stones at the forces and the forces were firing tear gas shells and pellets at them. I avoided going to that side. I just wanted to return home and play cricket with my cousins in the family courtyard. I took a back street and was walking briskly.

At a corner, a group of CRPF men spotted me. They began to chase me. I ran and in the next street there were few more people running. I joined them. As I was running, two CRPF men came from the front and fired pellets at us. The pellets hit immediately on my head, neck, arms, eyes, mostly in the right eye. I fell to the ground whimpering with pain, screaming for help; three to four people lifted me up and carried me while criss crossing streets to avoid the CRPF, to a local medical shop for the first aid.

Later, I was shifted to SMHS, Srinagar. I underwent five surgeries there, but the doctors couldn't even get the pellets out of my eye. I was told that the pellets had been buried deep, and they lacked the instruments that could dig them out. I still have those pellets inside, and they feel like ambers.

I am pursuing my MA in Commerce from Indira Gandhi National Open University [IGNOU] and I was working as a salesman in a local shop. I used to earn INR 6000 monthly. I wanted to start my own business one day and support my old father, who is a daily wage laborer. Also, I used to play cricket a lot. I wanted to play it throughout my whole life, participating in small local tournaments. But all of that is ruined.

Now, my life feels useless. I am unable to do anything. I cannot study; I am barely able to look at the words properly, the words get blurred when I begin to study. As far as the part time job is concerned, I cannot handle it. I get nausea and there is a constant feeling that my head and eye is stuffed with amber; a burning sensation. So, the employee told me that I do not need you anymore. I feel guilty. I made my parents go through lots of trouble due to my eye injury. I wish I had not been born; I wish I had died instead. And I am also angry at India. They blinded me. But oftentimes when I am depressed there is a consolation, that I sacrificed my eye for the cause, and I hope my sacrifice

should bear fruits and I wish that no more youth or old people must go through what I have undergone.

14.

Name: Parveena Bano Mir

Age: 19 Years old (2017)

Resident of: Awoora, Kupwara

Nature of Injury: Right eye damaged totally. 100% eyesight gone.

Narrative:

She first began to talk about her dreams; how she wanted to see her five sisters get educated, how she wanted to open up her own clothing boutique one day, how she wanted to send her parents to Hajj and how she had decided not to marry and live an independent life where she would not be dependent on anyone.

"But after they blinded me with pellets, everything seems ruined and my dreams appear shattered" she says when she finished talking about her dreams she had had. Parveena Bano Mir, 19, stretched her right hand and shook my hands firmly, betraying confidence. She pulled out a chair and sat on it. "Ask the questions you want to. Don't assume that I will cry or be uncomfortable by the questions. I think I am beyond weeping and mourning. I don't weep; I have to fight, and weeping is going to be of no help" she says, foreseeing my discomfort as to how to begin and what to ask. She began to recount the day when she was hit with pellets "from close range" on her right eye and body, thereby, irrevocably, blinding her.

On 10 August 2016 Parveena had gone to the stream, which flows close to her house, at Awoora, 10 KM away from district headquarters, Kupwara, to wash the utensils after having lunch. There had been anti-India and pro-freedom sloganeering going on in the village since morning. The police had raided the village the previous night. They wanted to arrest some of the protestors who had been active in the protests and stone-pelting since the beginning of the 2016 uprising in July. The wanted protestors had evaded the arrest; the whole village had come to the road to fight with the police. The police had fled.

In the afternoon, the police, now accompanied by the CRPF raided the village again. There were disturbances in the village. The men began to flee to evade arrests.

One of the wanted men, while running, saw Parveena washing utensils and he halted. He told Parveena to go inside as the CRPF and Police personnel were coming that way. As they were still talking, Parveena saw a group of five or six CRPF men approaching them. She warned the man about it. He fled. Parveena, thinking that the CRPF will not harm her, didn't move. The CRPF men came and began to ask Praveen where the man was going. Parveena declined to answer. "They became angry and began to abuse me. One yanked my hair and shook my head. I tried to run but a CRPF man hit my right arm with the gun. I fell on the road" she says. While writhing with pain on the ground, after a minute, she got up, pushed the CRPF man and escaped. She ran towards her uncle's house which was nearby. The CRPF men came after her. "As soon as they entered my uncle's house, they began to abuse everyone and smashed windows, beat the tin fence with their guns" she says. "After that they spotted me and one of the men aimed at me and shot pellets directly at my body. They hit me in my eyes. Everything around me became dark" she adds, angrily, directing expletives at India in the same breath.

For around half an hour, Parveena was lying on the ground, crawling here and there and crying loudly for help; the family members had fled after CRPF assault, she was all alone in the courtyard, while the CRPF men around her were on a rampage. When the CRPF men left, Parveena, now "almost unconscious" was lifted by her uncle in his arms. She was rushed to the Kupwara district hospital. The doctors there washed the blood from her eyes. They referred her to the SMHS Srinagar for further treatment. She was operated upon twice, one time by the famous eye surgeon Dr. Natrajan, in the hope that her eye will be saved. "The last thing I saw with my right eye was the face of the CRPF man aiming at me. I will never forget that face. It is like I have seen nothing except for that face. Since then I didn't see anything and I have no hope that I can even see again anything with right eye" she says angrily.

Parveena Bano Mir was the lone bread earner of the family. She had been working as a tailor master for the last three years. She had two apprentices with her. She used to earn 30,000 rupees a month. Her father, Ghulam Mohiddin Mir had suffered a head stroke three years ago, in 2013. He was rendered handicapped and was unable to work as a daily laborer. Parveena was sixteen years old at that time, studying in class tenth, and was also doing part time apprenticeship with a local tailor. "The financial state of the family was getting worse. We had hardly anything to eat or any money left. It pained me. My sisters were distraught and there was a threat that their education would get affected," she says.

She opted to drop out of school. A hard choice she says. She began to work full time as a tailor. She worked hard, sixteen hours a day. By the end of the year, she began to earn good money and the economic condition of the family improved. "I didn't care about my education. I was happy that my five sisters are getting an education. I felt my life had a great meaning" she says. Since her blinding, the money that she had saved for her Boutique has been spent on her treatment. And her father being unable to work, the family has come again on the road; the education of her five sisters is on the verge of getting stopped. There is no money to buy medicines for her and no source from where money could have come in sight. "Despite it, I have not lost hope. And I know I will find something to do" she says.

After three months of her blinding, Parveena, started to work again as a tailor and for a month tailored and earned some money; half of what she used to earn. However, over a period of time, her other eye, left one, began to get affected, as tailoring demands intense eye concentration. She realized that she has to say goodbye to tailoring.

On asking if she has received any kind of assistance, she smiled ironically and said, "This is a cruel world. The people are asking for many things in return. I don't want anyone's money. I will earn my own money, with an honest job. I am a proud girl and freedom is important to me" she replies.

She says that in the beginning it was difficult for her to reconcile with the fact that she has lost her eye. But now, she says, she has a "satisfaction that my eye was sacrificed for the cause", which she thinks is a "fight for restoring the dignity of Kashmiris". Parveena says she has no regrets with God. "Allah didn't blind me. India did. And one day they will be booked to justice, when we are free" she says.

At the end of the conversation, Parveena stood up from the chair and smilingly said to me. "Brother, now my real wish is to see the day when Kashmir gets free and with my left eye I want to see that moment and then die peacefully"

15.
Name: Javaid Ahmed Malla
Age: 19 Years old (2018)
Resident of: Saloosa, Kreeri, Baramula
Nature of Injury: Right eye damaged totally. 100% eye- sight gone.

Testimony:
My name is Javaid Ahmed. On 14 October, I had gone to pray at a Masjid. It was the Friday prayers. The Masjid is in our locality, Saloosa. In the morning there had been anti-India protests in the village and there was a plan that the villagers will, after the Friday prayers are over, assemble and stage a peaceful protest against Indian rule over Kashmir. I was sitting in the back row, inside the Masjid compound. As the Friday prayer was finished, the people began to assemble for the protest. In the meantime, CRPF and JK police barged into the Masjid compound and started beating people with batons and sticks.

People scattered and started pelting stones at the Indian forces. I tried to get away from the Masjid compound but due to the overwhelming presence of people I was unable to move. After some time, the CRPF began to fire tear gas shells at the protestors into the Masjid courtyard. The smoke made me choke. I tried to move out again, and was running to go out of the compound, when a CRPF man spotted me and fired pellets from his pellet gun. The pellets hit my eyes, neck, head, my chest and some in the legs. I fell to the

ground and in the ensuing chaos was trampled in the stampede. My arm was injured due to stampede. I don't know who picked me up, later I got to know they were locals. I was taken to the local hospital for first aid and was referred to SMHS, Srinagar. Over a period of two weeks, I was operated upon the eye four times. The doctors tried to save my eyesight but could not.

Prior to when my eyesight was snatched, I was working as a carpenter. I was earning around 9000 a month and was supporting my family, three siblings and father and mother. I was the lone bread earner of the family. But now I have become dependent on others. Right now, I cannot properly see which subsequently has affected my way of life and my ability to work. I can only see up to a distance of 1.5 meters and I cannot concentrate on anything. Besides this my left eye, too has begun to get weak and I fear I might lose the eyesight in that eye too.

My family spent around Rs. 250,000 thousand on my eye, which I had saved. Now all that is gone. The biggest worry for me is that I have become disabled. I cannot work. After a month since my injury, I tried to work but failed. My profession demands concentration and I cannot do that. Plus, I get very severe headaches, like I imagine that my head will explode, and this condition makes it difficult for me to work. And no one has come to help us. We have been left on our own. In fact, I have no expectation from anyone that they will help us. Many times, I have thoughts of committing suicide but what prevents me is the thought that what will my parents do without me. Where will they go?

16.

Name: Sakib Ahmed Tanzo

Age: 16 Years old (2018)

Resident of: Tanzo Mohalla, Hiripai, Kupwara

Nature of Injury: Left eye damaged partially. Right eye too affected.

Testimony:

It was Sunday. I was at home. I was annoyed due to daily fight which usually happens with my father and stepmother. I was so fed up with my life that I thought to end my life. I have studied till class 8th. Due to economic

constraints and a family that didn't support my studies, I was forced to leave my studies in 2014. My father is a daily wage laborer who earns 9000/- a month working at a brick kiln. My mother died when I was a child, barely three or four years old. I have two siblings from my stepmother. But I don't get any type of support from my family. I even have to ask my stepmother multiple times for food. My father asked me to earn my livelihood and for them also. My father tells me that he is getting old, but he is only 36 years old. And I am only 16 but I am expected to work. After being forced to leave school, I sat for a few months, not employed professionally. Later, I started working under pressure as a mechanic at a garage for my livelihood from 2015.

On a Sunday, it was the 10th of July 2016 when I went for stone pelting. Special task forces and Paramilitary forces were on patrol in the area. So, we started pelting stones on them. They fired pellet guns on us, and I got injured with pellets in my left eye.

I am the first victim of Kupwara. Fellow protestors took me to the govt. Hospital (SMHS). I was there for ten days and underwent surgery after which, I was discharged from the hospital and allowed to go home though I was asked to come after some time for the second surgery. I was admitted twice there for 5 & 3 days respectively within a gap of few days. My surgeries went on for a span of 3 months.

In this period, police from Police station Kupwara used to raid my house trying to arrest me. But I fled away every time. Police had lodged 3 FIRs against me. I don't know the charges except for stone pelting which has been applied on me. Now, I have problems in my right eye also. I don't have money for medicines. Because my father doesn't support me and still forces me to work with him. That`s why I wanted to do any job far from my home without any disturbances from my father or stepmother. Initially, for 6 months, I was paid only 20/- for a day due to training period which bears my travelling expenses from my home to the garage. Later, I was getting paid 4000/- a month. But that was not enough for my father. He asked me to come with him to the brick lane so that I could earn more, and my father can build a new house.

Now, I have problems in both of my eyes. Whenever, I used to step outside, Sunshine causes irritation. I don't want to go again for stone pelting. As it has impacted my life adversely. Earlier I used to go for work. But now I can't go due to problem in vision. Then also, I wanted to take any job so that I can avoid the arguments with my family which occurs daily and can support my grandparents. I want to be a free man and live my life on my own terms without being questioned by anyone. After the incident, my life has gone sour. I am in despair and have been thinking to kill myself. There is no hope for me.

17.

Name: Rayees Ahmed Bhat

Age: 21 Years old (2018)

Resident of: Heewan, Shiri, Baramula

Nature of Injury: Left eye damaged partially. Right eye too affected.

Testimony:

There was a program called Etihad-e-Millat being held in my neighborhood around 11 am on September 9th2016 which was raided by the army and police forces. My younger brother was there. So, I went out to bring him back home. At that time, only some people started stone pelting.

My brother fled away from the other side and I was stuck in between. The army fired pellet guns which pierced into my left eye. After which, my friends took me to the district hospital Baramula for first aid. From there, I was referred to SMHS. I reached Srinagar at 4 pm by an ambulance. I have been admitted there for 6 days. I went under a surgery and returned home on 16th September. I had to go again for the second surgery after 7 days. After 20 days of the 2nd surgery, the police detained me for 15 days and kept in a dark room despite showing them the prescription of the surgeon which stated strictly that not to be in the dark. Due to being kept in the dark, I couldn't use the medicine properly which has ill impacts on my both eyes. I constantly kept asking to bring me out, but they didn't listen and beaten me badly. They tortured me while asking me for names of stone pelters. They had filed 7 FIRs after being a victim and 8 more FIRs in 2015 for unknown reasons. Police abducted me more than 7 times in these 8 months. Whenever there are cases

of stone pelting near my home, they used to arrest me and torture me to know the names of stone pelters.

After being the victim of pellet guns, I am losing vision gradually from both of my eyes and the treatment caused a gap of one year in my graduation otherwise I would have been in 2nd year now. After the completion of 2nd surgery, there was an improvement in my vision. But being detained by the police after treatment, the problem increased due to being kept in a dark room where I couldn't use the medicine properly. I got released on bail from the district court which cost my father a lot of money. It had impacted my life adversely.

I am being harassed for things that I haven't done. I am worried about my future now. I don't want to pursue the course of bachelor's in arts. I wanted to go somewhere else to pursue B. Tech. But I can't go now because I need clarification from the police which I will not be provided with. Before being a victim of a pellet gun, everything was going well. I had cleared my arrears which I got in 12th class board exam.

My father is a tailor by profession who wants me to study further and can show the path to my younger brother and sister. But it seems that I can't fulfill my dreams to be an engineer. All my dreams have been shattered due to these false cases against me and being the pellet victim. I wanted to study more and support my father. I had big dreams to be someone in life. To earn with dignity. I have been getting regular nightmares. I always have the feeling of nausea and feel tired all the time. I think my life is going nowhere and I have a feeling of being a waste. I never wanted this to happen to me.

18.
Name: Nisar Ahmed Lone
Age: 34 Years old (2018)
Resident of: Heeri, Kupwara
Nature of Injury: Left eye damaged fully.

Testimony:

On 23 August, I was on a walnut tree, picking up walnuts. During the walnut harvest season, I work as a walnut picker, a daily wage laborer. The walnut trees were by a roadside in my village. In the afternoon, there was a procession of people going on the road. They were protesting against Indian rule, peacefully. As the procession got bigger, I came down from the top of the tree and was sitting on a branch just above the ground. I was watching the procession.

Suddenly, there was a disturbance in the crowd; someone said that CRPF and STF are coming towards the procession. People began to run. I was on the tree and found it difficult to run away. I clung to the branch and saw the jeeps of CRPF and STF approaching towards the crowd. The CRPF and STF men came out of jeeps and began to beat the people, and in turn, people resorted to stone pelting. The CRPF and STF fired tear gas shells and pellets on the people.

I thought I'm safe on the tree. But I was wrong; a CRPF man spotted me and aimed his gun at me and fired a tear gas shell which hit the tree. I was choked by the tear gas. Then from somewhere, a volley of pellets hit me. I was hit on eyes, head, neck and hands and arms. For a moment I was unable to see anything. I only felt blood running over my face. Slowly, with the help of some locals, I crawled down from the tree and was taken to the local medical shop for the first aid. And I was later shifted to SMHS, Srinagar.

At the hospital the doctors performed three surgeries on me, but they couldn't save my eyesight. Besides, there are pellets still in my nose and in the head. I cannot see anything with my damaged eye.

I was a daily wage laborer. I was earning around Rs. 15000 a month and was feeding my family, my wife and two daughters. I was working hard, sometimes doing over time in order to educate my daughters. I wanted them to be doctors. I have been left disabled and I am not able to do anything. I cannot even go out into sunshine as when I venture out, my head heats up: there are pellets in it, and I get extreme pain, unbearable.

In the night I do not sleep, there is a constant sensation, like someone is scrubbing your ear with an iron scrubber. But I bear it all; I bear it for my daughters. I do not want them to know or realize that I am in pain.

I don't have any wish to live more. I don't have any dreams. I don't think I will be able to do anything. I simply cannot. I am too weak to do anything. I have thought of committing suicide many times, but the thought of my daughters stops me. I wish I had sons. It is difficult to live with a disability and when you are not able to work. What carry me on is my daughters, but I wish I had died that day instead of being getting blind.

After I lost my eyesight, no one has come to help. I have been left on my own and whatever money I had saved has supported us so far, but I don't know for how long it will last. I have been thinking of begging now. There is no other alternative.

Besides my problems due to the blindness, the JK Police Kupwara too has not stopping harassing me. I had gone to the station to lodge FIR (First Information Report) but they didn't. After that they began to tell me that they will arrest me because I am a "stone pelter". I told them I am not. Also, they want me to accept money from local MLA (Member of Legislative Assembly) to keep silent. But I refused. I cannot accept money from those who blinded me. I cannot accept money from those who have murdered our kids. Though I know life will be hard ahead, but what can I do, I have hope that things will be alright, and I can at least find some way to survive and live on.

19.

Name: Firdous Ahmed Kumar
Age: 16 Years old (2018)
Resident of: Hadipora, Rafiabad, Sopore
Nature of Injury: Left eye damaged fully.

Testimony:

I am Firdous Ahmed Kumar. I am a student of 10th class. I live in Hadipora of Tehsil RafiabadSopore, district Baramulla.

It was Friday 29th of July 2016 when I got injured, on that fateful day I was at home (and not at school, as school were closed due to curfews in valley at that time). I went to our local mosque for offering Friday prayers, after we finished our Friday prayers we took out a peaceful protest procession against the killings of fellow Kashmiri civilians which had occurred on preceding days.

Our peaceful protest demonstration was fired upon by STF & CRPF personal deployed there; it was there that I was hit by pellets in my eyes. I was rushed to the local hospital by villagers for the first aid. From our local hospital I was shifted to JVC Bemina Srinagar where I underwent one surgery , then the doctors at SKIMS Bemina referred me to SMHS hospital where I further underwent two more surgeries in my left eye. I remained admitted in hospital for about three months.

I have lost my left eyesight completely. My right eyesight too is weakening. My treatment cost my family nearly INR 300,000 and we were monetarily helped by our local villagers for my treatment. My father is a daily wage laborer. He is the lone bread earner of our family; all my three brothers are studying.

At the time when I got injured, I was in 9th class now I am in 10th class (we got mass promotion). I don't go to school now due to my poor health condition, I miss not being able to attend my school, besides I miss the fun I used to have with my brothers, cousins, and friends. I tried to study but I cannot concentrate on my studies. I cannot read the words properly and I also have, as a side effect of the pellet injury, problems in hearing properly.

20.
Name: Irfan Ahmed Najar
Age: 21 Years old (2017)
Resident of: Hadipora, Rafiabad, Sopore
Nature of Injury: Right eye damaged fully, left eye partially damaged.

Testimony:

I am Irfan Ahmad (21), I live in Kreri Saloosa, district Baramulla, I have studied till 8th class after which I had to leave my schooling due to poor socio-economic conditions of my family. I worked as a daily wage laborer to earn livelihood for myself and my family. I have four siblings all of who are younger to me.

It was Friday 14th of October 2016 we were praying our weekly Friday prayers at our local mosque. During the prayers we heard some shots of teargas shells, but it was only after prayers were over. We took out a peaceful protest demonstration. The Indian forces deployed there fired teargas shells and pellets on us. The pellets hit me on my eye, my neck and arms.

I was taken to a local hospital by fellow protestors. Later, I was referred to SMHS, Srinagar wherein I underwent four surgeries at SMHS hospital in Srinagar. Pellets have completely damaged my right eye and my left eye is partially damaged. When I step outside my house in open, I can't see for long with my left eye, it pains, and it is only for ten or 15 minutes at most that I can go outside and see with my left eye without any pain. Besides my eyes, pellets have injured my face and arms.

Before this tragic incident I was the lone bread earner for my family, I worked as a laborer. My father did not work (due to his illness), now that I can't work my father is left with no alternative but to work despite his illness. He earns hardly INR 6000 monthly; it is with this money that we manage to survive. Besides normal expenditure, our expenses includes medicines for my mother and one of my sisters who often are ill and medicines and treatment for me, for which a mere income of INR 6000 is not enough. My two brothers who are studying have been affected by my health condition; they are now less interested in their studies and often say they are not able to focus on their studies because of my condition.

After I lost my eyesight, I rarely go outside due to fear. I fear that I will always be hit with the pellets, as some CRPF or STF men will be waiting for me to be fired upon. The treatment in my eye cost my family about INR 300000. My uncle and aunts helped us with some money but for remaining amount, my

father had to ask for money from villagers (as debt). We hope that we would be able to return their money.

21.

Name: Tawseef Ahmed Malla
Age: 18 years old (2018)
Resident of: Raipora, Palhalan
Nature of Injury: Left Eye Damage.

Testimony:
On 10 July, I was coming back from the home after I had prayed at a local mosque. There had been protests in the morning against the killings of civilians at the hands of the forces all over the valley.

In order to punish us, the CRPF and the STF barged into our village in the afternoon and pelted stones at the houses and broke window panes and beat people. I was walking down the road and like other people joined the protest the police and CRPF access use of force. The forces chased us, and I ran towards a street. Five to six CRPF men cornered us and aimed pellet guns at us and shot pellets. I was shot with the pellets in the eye.

I was immediately rushed to the JVC hospital, Srinagar and they gave me first aid and referred me to SMHS for further treatment. I was operated upon thrice but the pellets had done their damage beyond repair and I lost my eyesight forever.

I belong to a poor family; my father is a daily wage laborer and I have four sisters. In order to support my family, I dropped out of school in the 9th class and started working as a welder. I used to earn Rs. 6000 a month and was educating my two little sisters. I wanted to provide an education to them.

I wanted to save some money for my elder sister's marriage and had already saved INR 400000. However, all of my savings were spent on the surgeries of my eye. I cannot see anything with my left eye. I cannot see much with my right eye also; it looks like it too has been affected by the pellets. When I go to

work, I feel my head is spinning when I look at anything for some time. In addition,that line of work was too dangerous for the eyes. So, I decided that I will leave work and now, I do not do anything. The pellet injury has left me unable to do anything: I consider myself a waste. I have also begun to suffer from heart ailments and get bouts of depression. In those times, I just wish to be away from everyone and just am on my own. Many times, I have contemplated to commit suicide, but I don't know why I don't do it.

There is nothing that I want to live for. I would have killed myself, but I think of my father. How will he come to terms with my death? I had many dreams. I wanted to marry off my sisters. But now I cannot take care of myself, how can I take care of them? I do not have any hope of any kind of justice. Can the government that blinded me and ruined my life restore my eyesight? I don't think so. I just wish that no more people should be blinded and this pellet guns should be banned, including all other lethal weapons that the government uses on us Kashmiris.

22.
Name: Basit Ashraf Mir
Age: 19 years old (2018)
Resident of: Sopore
Nature of Injury: Right Eye Damaged totally.

Testimony:
On 5 August I was sitting in the main chowk Sopore, on a shop front. I was with my friends, idling and talking on. There was an eerie silence all around us. But suddenly, around mid-day, some youth started to shout anti-India slogans. I too joined the group and started shouting slogans.

The CRPF and STF came on the street and indulged in firing tear gas shells at us, probably to disperse us. But the slogans continued unabated and then intensified. The CRPF and STF became more brutal and started firing pellets and bullets. One group of CRPF men aimed pellet gun at us and I was hit on the head, neck, and chest and of course in the right eye.

I was immediately taken to the local hospital. They washed my eyes and I was later referred to SMHS, Srinagar. I was in the hospital for two weeks and was operated upon twice, but the damage in the eye due to the pellets was too grave to be saved. I was blinded and didn't see anything with that eye since.

I had dropped out of school in the 9th class. The family condition was not sound economically and I was working as a bus conductor. My father is a poor daily laborer and I have four siblings and was helping in supporting my family. But after the pellets, I cannot do any work. I cannot go out as there is a chance of infection due to the dust. I stopped working as a conductor.

I used to earn around INR 15000 a month and used to give my money to father, but the turn of fate is that I now ask my father for the money. Besides that, whatever my father had saved went into the eye surgery. I have a strong guilt of the fact I am not able to do anything. I feel I am waste. Besides these issues, the aftermath of pellet injury also brings extreme physical pain. My headaches have become a recurrent feature of my body. I vomit if I eat slightly spicy food. I also have a feeling of nausea when I walk for some time.

I don't really know what I will do with my life. My life has been turned upside down. And I have nothing for which I can go on. The physical pain, coupled with emotional pain, has made my life a statement of despair. I try not to think about it, what happened to me, but it comes again and again and haunts me like a demon. I sometimes wish I was never born. Or I had died instead of this suffering. The idea of getting blind, in fact snatching of your eyesight is terrible, I cannot even explain it here. I too have some dreams, but I think the more I think of those dreams the more depressed I get. The last resort of any consolation is the belief in God, and I make myself believe that whatever happened was for good.

I am angry at the government and I want justice for it. I want the government to punish those who did this to me. I want them to bring accountability and give justice.

There is no FIR filed, not because we didn't try, but because the police didn't file it. Instead they threaten us of implicating in cases of stone pelting and book me under PSA.

23.

Name: John Mohammad Parrey

Age: 19 years old.

Resident of: Palhalan, Patan

Nature of Injury: Right Eye Damaged totally.

Testimony:

On 21 October, I was sitting in a public park in Palhallan, talking with my friends. Next day I had to go to Kolkata, West Bengal for my studies. I had got admission in B.Sc. Nursing in a private college.

Near the park, there was a small gathering of people, a religious gathering. They were also shouting anti-India slogans and pro-freedom slogans. I was indifferent to it. As we were talking, there were loud shots, perhaps of the tear gas shells. We were alarmed and began to leave the park. But as we were leaving, an armored car stopped near the park and the CRPF and STF men came out of it and started beating whoever came in their way. To evade beating I ran but little did I know that I was flanked by the CRPF from all sides. There were three to four boys along with me.

The CRPF and STF, despite knowing that we were not a part of the sloganeering, aimed the pellets at us, from a close range. I was hit with pellets in the right eye, neck and arms. I fell to the ground and didn't know who had picked me up.

When I opened my eyes, I was lying on a bed, in SMHS, Srinagar, my eyes bandaged. It was terrible and I thought I have been permanently blinded. At SMHS, I was operated upon, twice. My eye recovered a bit but not fully. I cannot make out things properly. I can only see the shape of the things. My life has changed. I was so happy that I am going to go to nursing college, but those dreams were shattered, and I couldn't go to college.

In the initial days of this depressing reality, I was weeping a lot on my fate and was thinking that my life is over. It is a terrible thing to get blinded at such a tender age. I had given up on life and was contemplating committing suicide. But then the family support and the good words of my father helped me to move on and I began to study again.

However, I face severe problems while studying. I cannot see the words properly or if I see, I see them doubly. Earlier I used to get nightmares of being in a dark room and getting hit with the pellets, though sometimes the nightmares return. I also used to get nausea and even now, when I go out, I get headaches due to the heat and sunshine. Living with blindness is painful. It makes one helpless and dependent on others and that is the worst part in it. It took me some time to reconcile with it but now I think that brooding over it is going to be of no help. It will only add problems to my already problematic life. I have anger against those who did it to me. I want justice and want the culprits brought to justice in civil courts. Only then will I get some relief. I am also happy that how lucky I was. There are other cases of pellet victims who have suffered more than me and whose lives are dark and live in constant misery.

XII
Recommendations

In accordance with reports from other international human rights organizations such as Amnesty International, Physicians for Human Rights as well as the United Nations' Office of the Human Rights Commissioner's 2018 Kashmir-specific report, APDP calls for the following recommendations regarding ongoing use of pellet guns in Kashmir:

- Ban the use of pellet-firing shotguns in Jammu & Kashmir
- Provide full reparation in line with international standards to those who have been injured by pellet-firing shotguns, and to the families of those killed. This must include adequate compensation and rehabilitation, including any medical and psychological care that may be needed.
- Initiate prompt, independent and impartial civilian criminal investigations into all incidents where the use of pellet-firing shotguns led to deaths or serious injuries to establish whether arbitrary or excessive force was used, and where sufficient evidence is found, prosecute those suspected of responsibility in civilian courts.
- Provide relevant training on crowd control measures and the use of force and firearms to security force personnel of the central and state governments, as laid out in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and UN Code of Conduct for Law Enforcement Officials.
- India must ratify the Convention Against Torture (CAT) and enact domestic legislation against torture consistent with the standards of international human rights law.
- Create a Special Rapporteur with the mandate to investigate and report on crimes against humanity in Kashmir. This would be the first step in setting up credible mechanisms for documentation, accountability and justice, (such as an international criminal tribunal) for human rights abuses in Kashmir over the past three decades. This would include investigation of the serious

injuries caused by the use of pellet-firing shotguns as part of wider investigations including extrajudicial executions, torture, gendered and sexualized violence, enforced disappearances, and unknown, unmarked and mass graves.

Appendix: Pellet Gun Basics

The Central Reserve Police Force (CRPF) deployed in Kashmir Valley by the Government of India uses 70 mm 12-gauge pump action shotguns on civilians as a 'non-lethal weapon of crowd control'. These enable the Indian forces to extract and load cartridges and aim shotguns in a single 'pump action', allowing them to reload and fire on Kashmiri crowds, rapidly (Ordinance Board 2017).

These are Kashmir's pellet guns; made in Maharashtra, India.

Pellet Guns, Made in India

A single pellet gun can hold up to four 32g *Astrum* cartridges in its magazine and one loaded in its chamber (Gupta 2016). Each cartridge contains 450 to 600 round, or the more intrusive sharp-edged or irregular-shaped lead pellets (Indian Express 2016a, Greater Kashmir 2016a, The Wire 2017, PHR 2016).

If fired from a distance of 27 metres, the cartridge bursts before contact and scatters the pellets contained within a diameter of 0.76 metres without any precise target. Even if pointed at the lower body, they may throw shrapnel upward (New Indian Express 2017). For this reason, they have also been referred to as pellet grenades (PHR 2016, Bukhari 2015).

Pellet grenades have been fired by Indian forces at point-blank range, aimed above the waist. Injuries suffered are often concentrated in a single area, with hundreds of pellets left lodged inside despite surgical efforts.

Non-powder firearms are known to generate 'muzzle velocities' of 200 to 900 foot-pounds per second (f-p/s). A muzzle velocity of 120 f-p/s is sufficient to cause skin penetration while that as low as 130 feet per second is enough to cause ocular penetration (Sharif et al 1990). It is worth noting that the pump-action shotguns used to fire pellets use explosive powders, thereby making them more powerful than the weapons cited above (PHR 2016). Therefore,

each pellet can potentially penetrate the eyes, skin, internal organs, or bones of its victim, and lodge itself in her tissues (Mushtaq et al 2012).

In 2016, the CRPF declared that it possessed 640 such pellet guns and 1.25 lakh corresponding cartridges (DNA 2017). As per an affidavit filed by the Inspector General of CRPF with the Jammu and Kashmir High Court, the *jawans* alone had emptied over 3,000 cartridges (approximately twelve lakh pellets) in little more than a month following the killing of Hizbul Mujahideen commander Burhan Muzaffar Wani on 8th July, as a civilian uprising took hold of the Valley. The CRPF further declared that any bystander to protests who did not, or could not, immediately leave the vicinity of a protest also became legitimate targets for their pellets (PHR 2016:10). More pellets were separately requisitioned and fired by the Jammu and Kashmir Police's Special Task Force (Deccan Chronicle 2016, New York Times 2016).

Within five days of Wani's death, at least 92 pellet-induced eye surgeries were conducted in one of Kashmir's leading multi-specialty hospitals—more eye surgeries than it had conducted over the last three years (Indian Express 2016b, AP 2016). Most resulted in total or partial blindness, a best-case scenario euphemized in medical jargon as 'near normal vision' (Dawn 2016). To help the overburdened surgeons in the Valley, India agreed to fly in three eye specialists on 14th July 2016. Ten days later, Indian Home Minister Rajnath Singh of the Bharatiya Janata Party (BJP) announced at a press conference in Srinagar that the use of pellet guns would be avoided when possible and efforts would be made to restore an 'emotional relationship' with Kashmiris (Indian Express 2016c).

Back home, his ministry authorized the Indian Air Force to fly in over one lakh cartridges containing an estimated 6.3 crore pellets to the J&K Police's central store on the outskirts of Srinagar by the end of the month. A separate consignment was dropped off to the CRPF (Greater Kashmir 2016b).

Facing opposition in Parliament to the indiscriminate use of pellet guns, a panel was set up to find alternative means of quelling the protest. It submitted its report to the Ministry of Home Affairs, Government of India on 29th August

2016, recommending the use of Pelargonic Acid Vanillyl Amide (PAVA) shells when possible. PAVA shells cause temporary irritation and paralysis in victims and have fewer long-term effects. However, it refused to withdraw the pellet guns (Indian Express 2016d).

A month later, PAVA shells were rotated out of use claiming that their delayed action allowed protesters to throw them back before they could explode. India returned to firing pellets (DNA 2016).

In February 2014 Mehbooba Mufti, then President of the Jammu and Kashmir Peoples Democratic Party (PDP) and Member of Parliament from Anantnag constituency in the Lok Sabha, had staged a walkout from the Jammu and Kashmir Legislative Assembly calling for a ban on the use of pellet guns. With the PDP coming to power in the Valley two years later in a coalition government formed with the BJP, her party termed the use of pellet guns a 'necessary evil' in September 2016 and refused to ban its use (Indian Express 2016e).

During Mufti's tenure as Chief Minister of Jammu and Kashmir, Anantnag reported the highest number of pellet-induced civilian casualties (Indian Express 2016f). Her government went on to massively underreport the number of pellet-induced casualties if allegations leveled by human rights activists based on information received under the Right to Information (RTI) are to be believed (Kashmir Reader 2016).

By the end of the year, within a span of six months, 14 of the 145 non-combatants dead in the Valley had been killed by the 'non-lethal' pellet guns (the exact number of deaths has differed based on the method of calculation, refer to Firstpost 2017). As per the findings of the Jammu and Kashmir Coalition of Civil Society published in the immediate aftermath of the unrest, over 15,000 Kashmiri civilians were injured by pellets. Their annual report titled Human Rights Review 2016 states:

> … the 15,000 injured include 1,178 persons [who] have received pellets in their eyes that rendered 52 persons blinded, 300 persons

> partially lost vision (including 150 minors) [...] Of the injured, 243 [1.62%] fall under the age-group of 1-12 while 1,005 [6.7%] are under the age of 12-15. However, the majority (7,762 [51.75%]) belong to the age group of 16-25. (JKCCS 2016)

As per RTI findings published in August 2016, a Standard Operating Procedure (SOP) for crowd control by police personnel had been developed by the Bureau of Police Research and Development (BPR&D) in the wake of heavy pellet gun deployment in the Valley in 2010. This was brought into effect the following year for all police personnel deployed by the Indian state (The Wire 2016a).

The SOP had identified ten weapons in the 'non-lethal' category for dispersing crowds, including plastic pellet guns, rubber bullets, and stun grenades. As per a report prepared by the Physicians for Human Rights (PHR) and the International Network of Civil Liberties Organizations (INCLO), none of these weapons are considered fit for crowd dispersal given their unregulated proliferation, inherently indiscriminate use in large gatherings, unnecessary infliction of pain and incapacitation of protesters hampering the chances of orderly dispersal, and the lack of adequate training among police personnel regarding the conditions in which their usage remains 'non-lethal' (PHR-INCLO 2016).

Its biggest finding, however, was that in spite of delineating the pros and cons of the listed weapons, it made no mention of the lead pellets whose continued usage was recorded in Kashmir through 2010, 2011, 2013, and thereafter (Bukhari 2015, The Wire 2016a).

Finally, in February 2017 the CRPF announced that a new SOP for crowd control was under development.

Indian national dailies quoting top CRPF officials reported that the Border Security Force was in the process of designing new pellet guns with attached 'deflectors'. 'Deflectors', it was said, would reduce the chances of pellets hitting the victim above the waist, as mandated by international humanitarian

law, to ten percent (Economic Times 2017a). The efficacy of such quick-fix measures was disputed at the time (New Indian Express 2017). The recommended cartridge size was changed from nine to twelve. Each cartridge would carry pellets which were smaller, and proportionally greater in number, purportedly to decrease their lethality (Kashmir Global 2017). Smaller pellets have wider dispersal patterns and less accurate aim though larger pellets may have higher kinetic energy (PHR-INCLO 2016).

Under the new SOP, pellet guns were to be used only as a weapon of 'last resort'.

On 2nd March 2017, a month later, the Government of India authorized the procurement of close to five thousand new pellet guns and over six lakh cartridges.

With this move, the tally of pellet guns in the Valley went up from 640 to 5,589 (Kashmir Reader 2017), apparently based on the state's new propensity to require weapons of last resort.

Having introduced the use of pellet guns in occupied Kashmir, India employed pellets for 'crowd control' on its own citizens on 22nd June 2017. A group of farmers protesting the forcible acquisition of land by the state in Thane district of Maharashtra was fired upon, injuring 12 protesters (Economic Times 2017b).

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